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CIVIL SERVICE REGULATIONS EXPLAINED

Containing Appendices

of Acts and Rules on the conditions of service, leave, pension and various other matters relating to the President, the Supreme Court of India, High Courts' Judges, All India Services, Superior Civil Services, Government Industrial Employees, Temporary Employees, Class IV servants and concessions granted by the Government of India with instructions, explanatory decisions and solved illustrations along with

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PREFACE

This compilation contains as Appendices, Acts and Rules on the conditions of service, leave, pension etc, relating to the President, the Supreme Court and High Courts' Judges, All India Services, Superior Civil Services, Central Civil Services, Union Public Service Commission Servants, Government Industrial Employees, Journalists, Temporary servants, Class IV Employees Travel Concessions, General Provident Fund Rules, Compulsory Deposit Scheme and Pensionary Benefits granted by the Government of India Instructions and Orders which could be obtained have been added suitably Solved illustrations of pension cases have been added to increase the utility of the book

2. The matter has been taken from the Government of India Gazette, the Pension Manuals of the Account offices and the Manual of Audit Instructions which are gratefully acknowledged I am also thankful to the Government servants who helped in compiling the rules

3 Suggestions for its improvement will be highly appreciated

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APPENDIX I A

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) ACT, 1958 *

CHAPTER I

Preliminary

1 *Short title*—This Act may be called the Supreme Court Judges (Conditions of Service) Act, 1958

2 *Definitions*—In this Act, unless the context otherwise requires,—

(a) "acting Chief Justice" means a Judge appointed under Art 126 of the Constitution to perform the duties of the Chief Justice of India,

(b) "actual service" includes—

(i) time spent by a Judge on a duty as a Judge, or in the performance of such other functions as he may, at the request of the President, undertake to discharge, and

(ii) vacations,

(c) "Chief Justice" means the Chief Justice of India, but does not include an acting Chief Justice,

(d) "High Court" means the High Court for a State,

(e) "Judge" means a Judge of a Supreme Court and includes the Chief Justice and an acting Chief Justice,

(f) "prescribed" means prescribed by rules made under this Act,

(g) "service as a Judge in India" means service rendered either in the Federal Court or in the Supreme Court or any such Court and in one or more of the High Courts, and "Judge in India" and "service for pension as a Judge in India" shall be construed accordingly,

(h) "service for pension" includes—

(i) actual service,

(ii) time spent by a Judge of a High Court in attending the sitting of the Supreme Court as an *ad hoc* Judge under Art. 127 of the Constitution, if he is subsequently appointed as a Judge,

(iii) forty five days or the amount actually taken whichever is less, of each period of leave on full allowances,

- (i) "vacation" means such period or periods during a year as may be fixed as vacation by or under the rules of the Supreme Court made with the prior approval of the President.

CHAPTER II

Leave

3. *Kinds of leave admissible to a Judge.*—(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either—

- (a) leave on full allowances; or
- (b) leave on half allowances; or
- (c) leave partly on full allowances and partly on half allowances.

(2) For the purposes of this chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

4. *Leave account showing the amount of leave due.*—(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

(2) In the leave account of a Judge—

- (a) there shall be credited to him—
 - (i) one-fourth of the time spent by him on actual service; and
 - (ii) where the Judge, by reason of his having been detained for the performance of duties not connected with the Supreme Court, cannot enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained, as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and
- (b) there shall be debited to him all leave with allowances taken by him.

(3) This section shall be deemed to have come into force on the 1st day of May, 1958.

5. *Aggregate amount of leave which may be granted.*—(1) The aggregate amount of leave which may be granted to a Judge

during the whole period of his service as such shall not exceed in terms of leave on half allowances three years together with the aggregate of the periods, if any credited to his leave account under sub section (2) (a) (ii) of S. 4 as compensation for vacation not enjoyed

(2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one twenty-fourth of the period spent by him on actual service together with one half of the aggregate periods, if any, credited to his leave account under sub section (2) (a) (ii) of S. 4 as compensation for vacation not enjoyed

(3) The maximum period of leave which may be granted at one time shall be, in the case of leave on full allowances, five months and in the case of leave with allowances of any kind, sixteen months

6 *Grant of leave not due*—Subject to the maximum limit specified in sub section (1) of S. 5, leave on half allowances may be granted to a Judge in excess of the amount at his credit—

(i) on medical certificate; or

(ii) otherwise than on medical certificate, for a period not exceeding in the aggregate six months, during the period of his service as a Judge:

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted

7. *Special disability leave*—Special disability leave may be granted to a Judge under such circumstances, on such allowances and for such periods as may be prescribed

8 *Extraordinary leave*—Extraordinary leave may be granted to a Judge for a period not exceeding six months, or for two or more periods not exceeding in the aggregate six months, during the whole period of his service as a Judge in excess of any leave permissible under the foregoing provisions of this chapter, but no salary or allowances shall be payable in respect of such leave

9 *Leave allowances*—(1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be for the first forty five days of such leave a rate equal to the monthly rate of the salary and thereafter two thousand two hundred and twenty rupees

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be one thousand one hundred and ten rupees

10. *Combining leave with vacation.*—A Judge may be permitted to combine vacation on full salary with leave, if—

- (a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both;
- (b) where the vacation is divided into two periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval, or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation:

Provided that no such permission to combine vacation with leave shall be granted, if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

11. *Consequences of overstaying leave or vacation.*—(1) If a Judge overstays his leave or any vacation, whether combined with leave or not, he shall receive no salary in respect of the period of his absence in excess of the leave granted to him or beyond the end of the vacation, as the case may be:

Provided that, if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

(2) Nothing in this Act shall be construed as requiring a Judge to rejoin on the expiration of the period of leave when that period expires immediately before the commencement of a vacation, nor as authorising any acting Chief Justice to continue to hold the acting appointment during the vacation.

12. *Authority competent to grant leave.*—The authority competent to grant or refuse leave to a Judge or to revoke or curtail the leave already granted to a Judge shall be the President who shall exercise the power after consultation with the Chief Justice.

CHAPTER III

Pensions

13. *Pension payable to Judges.*—Subject to the provisions of this Act, a pension shall be payable in accordance with the provisions of Part I of the Schedule to a Judge of the Supreme Court on his retirement if, but only if,—

- (a) he has completed not less than seven years of service for pension as a Judge in India; or

- (b) he has attained the age of sixty five years, or
- (c) his retirement is medically certified to be necessitated by ill health

Explanation—In this section, "Judge" means a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge who being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State has elected to receive the pension payable under Part I of the Schedule

14 *Special provisions for pension in respect of Judges who are members of Service*—Every Judge—

- (a) who is a member of the Indian Civil Service shall, on his retirement, be paid a pension in accordance with the provisions of Part II of the Schedule,
- (b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part III of the Schedule:

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the Schedule, or, as the case may be, Part II or Part III of the Schedule and the pension payable to him shall be calculated accordingly

15 *Power of President to add to the Service for pension*—The President may, for special reasons, direct that any period not exceeding three months shall be added to the service for pension of a Judge, and any such period so added shall count for pension purposes—

- (a) in the case of a Judge who has served in the Supreme Court as Chief Justice, as service as Chief Justice, and
- (b) in the case of any other Judge, as service as any other Judge.

16 *Extraordinary pension*—Extraordinary pensions and gratuities may be granted to a Judge under such circumstances and on such scales as may be prescribed

17 *Pension payable to a Judge who was in receipt of pension at the time of appointment as such*—If at the time of his appointment to the Supreme Court, a Judge is in receipt of a pension in respect of any previous service either as a Judge of a High Court or in any other pensionable civil post under the Union or a State the pension payable to him under this Act shall be an

additional pension for service in the Supreme Court equal to the difference between his original pension and the pension to which he would have been entitled under this Act if his service in the Supreme Court had been rendered in continuation of the previous service for which his original pension was granted.

18. *Conversion of sterling pension into rupees.*—Pensions expressed in sterling only shall, if paid in India, be converted into rupees at such rate of exchange as the Central Government may, from time to time, specify in this behalf.

19. *Commutation of pension.*—The Civil Pensions (Commutation) Rules for the time being in force shall, with necessary modifications, apply to Judges.

20. *Provident fund.*—Every Judge shall be entitled to subscribe to the General Provident Fund (Central Services):

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the provident fund to which he was subscribing before his appointment as a Judge:

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the provident fund to which he was subscribing immediately before such commencement.

21. *Authority competent to grant pension.*—Save as may be otherwise expressly provided in the relevant rules relating to the grant of extraordinary pensions and gratuities, the authority competent to grant pension to a Judge under the provisions of this Act shall be the President.

CHAPTER IV

Miscellaneous

22. *Travelling allowance to a Judge.*—A Judge shall receive such reasonable allowance to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time, be prescribed.

23. *Facilities for rent-free houses and other conditions of Service.*—(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be made in this behalf.

(2) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed.

(3) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act

(4) This section shall be deemed to have come into force on the 26th day of January, 1950, and any rule made under this section may be made so as to be retrospective to any date not earlier than the commencement of this section

24 *Power to make rules*—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

- (a) leave of absence of a Judge including special disability leave
- (b) pension payable to a Judge, including extraordinary pension and gratuities
- (c) travelling allowances to a Judge,
- (d) use of official residence by a Judge,
- (e) facilities for medical treatment and other conditions of service of a Judge,
- (f) any other matter which has to be or may be prescribed

(3) All rules made under this section shall, as soon as possible after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following

25 *Savings*—Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his privileges and allowances or his right in respect of leave of absence (including leave allowances) or pension than those to which he would have been entitled, if this Act had not been passed

THE SCHEDULE

(See Sections 13 and 14)

Pensions of Judges

PART I

1 The provisions of this Part apply to a Judge who is not a member of the Indian Civil Service or has not held any other

pensionable civil post under the Union or a State and also apply to a person who was in service as Judge on the 20th May, 1954, and to a Judge who, being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State, has elected to receive the pension payable under this Part.

2. Subject to the provisions of this Part, the pension payable to a Chief Justice to whom this Part applies and who has completed not less than seven years of service for pension as a Judge in India shall be an amount equal to the sum of the following amounts, that is to say,—

- (a) an amount equal to the pension which would have been payable to him in accordance with the scale and provisions in Part I of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), if his service as a Judge had been rendered as the Chief Justice of a High Court,
- (b) an additional amount of Rs. 470 per annum for each completed year of service as the Chief Justice of the Supreme Court until he has become entitled to a pension of Rs. 20,000 per annum, and thereafter an additional amount of Rs. 1,200 for each completed year of such service:

Provided that the aggregate amount of his pension shall in no case exceed Rs. 26,000 per annum.

3. The pension payable to any other Judge to whom this Part applies and who has completed not less than seven years of service for pension as a Judge in India shall be an amount equal to the pension which would have been payable to him in accordance with the scale and provisions in Part I of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), if his service as a Judge had been rendered as the Chief Justice of a High Court.

4. If a Judge of the Supreme Court who has served as an acting Chief Justice thereof is subsequently appointed Chief Justice, his service as acting Chief Justice shall, for the purposes of paragraph 2 of this Part, be treated as service as Chief Justice.

5. Where a Judge to whom this Part applies retires without being eligible for a pension under any other provision of this Part, then notwithstanding anything contained in the foregoing provisions, a pension of Rs. 7,500 per annum shall be payable to such Judge:

Provided that nothing in this paragraph shall apply to a Judge who at the time of his appointment is in receipt of a pension

(other than a disability or wound pension) in respect of any previous service under the Union or a State

PART II

1 The provisions of this Part apply to a Judge who is a member of the Indian Civil Service and who has not elected to receive the pension payable under Part I

2 The pension payable to such a Judge shall be—

- (a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge his service as a Judge in India being treated as service therein and
- (b) an additional pension of Rs 1 400 per annum for each completed year of service for pension in the Supreme Court

Provided that the aggregate amount of his pension shall in no case exceed Rs 20 000 per annum

PART III

1 The provisions of this Part apply to a Judge who has held any pensionable civil post under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive the pension payable under Part I

2 The pension payable to such a Judge shall be—

- (a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge his service as a Judge in India being treated as service therein for the purpose of calculating that pension and
 - (b) a special additional pension of Rs 500 per annum in respect of each completed year of service for pension as a Judge in India but in no case such additional pension together with the additional or special pension if any to which he is entitled under the ordinary rules of his service shall exceed Rs 2,500 per annum
-

APPENDIX 1

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE)
ACT, 1954

*An Act to regulate certain conditions of service of the
Judges of High Court*

CHAPTER I

PRELIMINARY

1. *Short title.*—This Act may be called the High Court Judges (Conditions of Service) Act, 1954.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

- (a) "acting Chief Justice" means a Judge appointed under Art. 223 of the Constitution to perform the duties of the Chief Justice;
- (b) "acting Judge" means a person appointed to act as a Judge under sub-section (2) of S. 222 of the Government of India Act, 1935, or under clause (2) of Art. 224 of the Constitution;
- (c) "actual service" includes—
 - (i) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may, at the request of the President of India, undertake to discharge;
 - (ii) vacations, excluding any time during which the Judge is absent on leave;
 - (iii) joining time on transfer from a High Court to the Supreme Court or from one High Court to another or from the Supreme Court to High Court;
 - (iv) time spent by a Judge on duty as a Judge of a former Indian High Court;
 - (v) time spent by a Judge to attend the sittings of the Supreme Court as an *ad hoc* Judge under Art. 127 of the Constitution; and
 - (vi) vacations (excluding any time during which the Judge was absent on leave) taken by a Judge of a former Indian High Court;
- (d) "additional Judge" means a person appointed as an additional Judge under sub-section (3) of S. 222 of the

Government of India Act, 1935 or under clause (1) of Art 240 of the Constitution,

- (e) former Indian High Court at Rangoon, the High Court at Lahore, the Chief Court of Sind or the Judicial Commissioner's Court of North West Frontier Province,
- (f) "High Court" means a High Court for a State and includes a High Court which was exercising jurisdiction in a Part A State or in the corresponding Province before the commencement of the Constitution
- (g) "Judge" means a Judge of a High Court and includes the Chief Justice an acting Chief Justice, an additional Judge and an acting Judge of the High Court,
- (gg) "pension" means pension of any kind whatsoever payable to or in respect of a Judge and includes any gratuity or other sum or sums so payable by way of death or retirement benefits,
- (h) "service for pension" includes—
 - (i) actual service,
 - (ii) one month or the amount actually taken, whichever is less, of each period of leave on full allowances,
 - (iii) joining time on return from leave out of India,
 - (i) "prescribed" means prescribed by rules made under this Act.

(2) In the calculation of service for the purposes of this Act previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court shall be reckoned as service as a Judge but, save as otherwise expressly provided previous service as an acting Chief Justice shall not be reckoned as service as Chief Justice

(3) Any period of leave taken by a Judge before the commencement of this Act under the rules then applicable to him as an acting Judge, additional Judge or a Judge shall, for the purposes of the Act, be treated as if it were leave taken by him under this Act

(4) Any period of leave taken by a Judge while serving as a Judge of a former Indian High Court before his appointment to a High Court shall for the purposes of the Act be treated as if it were leave taken by him under this Act

11. *Combining leave with vacation.*—A Judge may be permitted to combined vacation on full salary with leave, if—

- (a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both;
- (b) where the vacation is divided into two separate periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation:

Provided that no such permission to combine vacation with leave shall be granted if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

12. *Consequences of overstaying leave or vacation.*—If a Judge overstays his leave or any vacation, whether combined with leave or not he shall receive no salary for the period of his absence in excess of leave granted to him or beyond the end of the vacation, as the case may be:

Provided that if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

13. *Authority competent to grant leave, etc.*—The authority competent to grant or refuse leave to a Judge or revoke or curtail leave granted to a Judge shall be the Governor of the State in which the principal seat of the High Court is situated, after consultation with the Chief Justice of that High Court.

CHAPTER III

PENSIONS

14. *Pension payable to Judges.*—Subject to the provisions of this Act, every Judge shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part I of the First Schedule:

Provided that no such pension shall be payable to a Judge unless—

- (a) he has completed not less than twelve years of service for pension; or
- (b) he has attained the age of sixty years; or

* The age of retirement is raised to sixty-two years by the Constitution (15th Amendment) Act.

periods if any, credited to his leave account under sub section (2) (a) (ii) of S 4 as compensation for vacation not enjoyed

(3) The maximum period of leave which may be granted at one time shall be in the case of leave on full allowances five months and in the case of leave with allowances of any kind sixteen months

6 *Grant of leave not due*—Subject to the maximum limit specified in sub section (1) of S 5 leave on half allowances may be granted to a Judge in excess of the amount at his credit—

(i) on medical certificate or

(ii) otherwise than on medical certificate, for not more than six months or for two or more periods, not exceeding in the aggregate, six months during the whole period of his service as a Judge

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted

7 *Special disability leave*—The rules for the time being in force with respect to the grant of special disability leave in relation to an officer of the Central Civil Services Class I, who has entered service on or after the 16th July, 1931 and who may be disabled by injury caused in or in consequence of the due performance of his official duties or in consequence of his official position, shall apply in relation to a Judge

8 *Extraordinary leave*—Extra ordinary leave may be granted to a Judge for a period not exceeding six months or for two or more periods not exceeding in the aggregate, six months during the whole period of his service as a Judge in excess of any leave permissible under the foregoing provisions of this chapter but no salary or allowances shall be payable during or in respect of such leave

9 *Leave allowances*—(1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be for the first month of such leave a rate equal to the monthly rate of his salary, and thereafter two thousand two hundred and twenty rupees

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be one thousand one hundred and ten rupees

10 *Allowances for joining time*—There shall be payable to a Judge in respect of joining time on his return from leave out of India an allowance at the rate of one thousand one hundred and ten rupees a month in lieu of salary

CHAPTER II

Leave

3. *Kinds of leave admissible to a Judge.*—(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either—

(a) leave on full allowances; or

(b) leave on half allowances; or

(c) leave partly on full allowances and partly on half allowances.

(2) For the purposes of this chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

4. *Leave account showing the amount of leave due.*—(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

(2) In the leave account of a Judge—

(a) there shall be credited to him—

(i) one-fourth of the time spent by him on actual service; and

(ii) where the Judge, by reason of his having been detained for the performance of duties not connected with the High Court, cannot enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained, as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and

(b) there shall be debited to him all leave with allowances taken by him.

5. *Aggregate amount of leave which may be granted.*—(1) The aggregate amount of leave which may be granted to a Judge during the whole period of his services as such shall not exceed in terms of leave on half allowances three years together with the aggregate of the periods, if any, credited to his leave account under sub-section (2) (a) (ii) of S. 4 as compensation for vacation not enjoyed.

(2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one-twenty-fourth of the period spent by him on actual service together with one-half of the aggregate pe-

- (c) his retirement is medically certified to be necessitated by ill health

Provided further that if a Judge at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service in the Union or a State, the pension payable under this Act shall be in lieu of and not in addition to that pension

Explanation—In this section Judge means a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and includes a Judge who being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule

15 *Special provision for pension in respect of Judges who are members of service*—Every Judge—

- (a) who is a member of the Indian Civil Service shall on his retirement, be paid a pension in accordance with the scale and provisions in Part II of the First Schedule,
- (b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or a State shall on his retirement be paid a pension in accordance with the scale and provisions in Part III of the First Schedule

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the First Schedule or as the case may be Part III of the First Schedule and the pension payable to him shall be calculated accordingly

16 *Power of President to add to the service for pension*—The President of India may for special reasons direct that any period not exceeding three months shall be added to the service for pension of a Judge

Provided that the period so added shall be disregarded in calculating any additional pension under Part I or Part II or Part III of the First Schedule

17 *Extraordinary pension*—The rules for the time being in force with respect to the grant of extraordinary pensions and gratuities in relation to an officer of the Central Civil Services Class I who has entered service on or after the 1st April 1937 and who may suffer injury or die as a result of violence shall apply in relation to a Judge subject however to the modification that reference in those rules to tables of injury gratuities

11. *Combining leave with vacation.*—A Judge may be permitted to combined vacation on full salary with leave, if—

- (a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both;
- (b) where the vacation is divided into two separate periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation:

Provided that no such permission to combine vacation with leave shall be granted if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

12. *Consequences of overstaying leave or vacation.*—If a Judge overstays his leave or any vacation, whether combined with leave or not he shall receive no salary for the period of his absence in excess of leave granted to him or beyond the end of the vacation, as the case may be:

Provided that if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

13. *Authority competent to grant leave, etc.*—The authority competent to grant or refuse leave to a Judge or revoke or curtail leave granted to a Judge shall be the Governor of the State in which the principal seat of the High Court is situated, after consultation with the Chief Justice of that High Court.

CHAPTER III

PENSIONS

14. *Pension payable to Judges.*—Subject to the provisions of this Act, every Judge shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part I of the First Schedule:

Provided that no such pension shall be payable to a Judge unless—

- (a) he has completed not less than twelve years of service for pension; or
- (b) he has attained the age of* sixty years; or

* The age of retirement is raised to sixty-two years by the Constitution (15th Amendment) Bill.

CHAPTER IV

MISCELLANEOUS

22 *Travelling allowances to a Judge*—Every Judge shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time be prescribed.

23 *Facilities for medical treatment and other condition of service*—(1) Every Judge and the member of his family shall be entitled to such facilities for medical treatment and for accommodation in hospital as may, from time to time be prescribed.

(2) The condition of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act.

(3) This section shall be deemed to have come into force on the 26th January, 1950, and any rule made under this section may be so as to be retrospective to any date not earlier than the commencement of this section.

23A *Vacation of High Court*—(1) Every High Court shall have a vacation or vacations for such period or periods as may, from time to time be fixed by the President by order notified in this behalf in the official Gazette, and every such order shall have effect notwithstanding anything contained in any other law, rule or order regulating the vacation of the High Court.

(2) Every order made under subsection (1) shall be laid before each House of Parliament.

23B. *Special provisions in respect of continuing Judges*—(1) In the calculation of the service for pension of a continuing Judge for the purposes of this Act his previous service for pension as a Chief Justice or as a Judge of a former High Court in a Part B State under the provisions of the High Court Judges (Part B States) Order, 1953, or any other order or rule then applicable to him shall be reckoned as service for pension as a Chief Justice or as the case may be as a Judge under this Act.

(2) In the calculation of the amount of leave at the credit of a continuing Judge for the purposes of this Act, the amount of leave due to him immediately before the first day of November, 1956 under the provisions of the High Court Judges (Part B States) Order, 1953 or any other order or rule then applicable to him shall be added to the amount of leave at his credit under this Act.

and pensions and of family gratuities and pensions shall be construed as references to the tables in the Second Schedule.

17A *Family pensions and gratuities*—Where any Judge who has elected to receive the pension payable to him under Part II or Part III of the First Schedule dies whether before or after retirement in the circumstances to which section 17 does not apply a family pension or gratuity, if any, shall be payable to the person or persons entitled thereto under the ordinary rules of his service if he had not been appointed a Judge his service as a Judge being treated as service therein for the purpose of calculating that family pension or gratuity

18 *Conversion of Sterling pension into rupees*—Pensions expressed in sterling only shall if paid in India be converted into rupees at such rate of exchange as the Central Government may from time to time specify in this behalf

Provided that nothing in this section shall affect any specific privilege in respect of the conversion of sterling pensions which was conferred by any rules previously in force in respect of pensions who on the 1st February 1921 were members of the Indian Civil Service

19 *Commutation of pensions*—The Civil Pensions (Commutation) Rules for the time being in force shall with necessary modifications apply to Judges

20 *Provident Fund*—Every Judge shall be entitled to subscribe to the General Provident Fund (Central Services)

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the Provident Fund to which he was subscribing before his appointment as a Judge

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the Provident Fund to which he was subscribing immediately before such commencement

21 *Authority competent to grant pension*—Save as may be otherwise expressly provided in the relevant rules relating to grant of extraordinary pensions and gratuities the authority competent to grant pension to a Judge under the provision of this Act shall be the President of India

the 1st day of November, 1956, being treated as service in that High Court.

THE FIRST SCHEDULE

(See sections 14 and 15)

PENSION OF JUDGES

PART I

1 The provisions of this Part apply to a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and also apply to a Judge who being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State has elected to receive the pension payable under this Part

2 Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be the basic pension specified in paragraph 3 increased by the additional pension, if any to which he is entitled under paragraph 5

3 The basic pension to which such a Judge shall be entitled shall be—

(a) for the first seven completed years of service for pension, Rs. 5000 per annum and

(b) for each subsequent completed year of service for pension, a further sum of Rs. 1,000 per annum

Provided that the basic pension shall in no case exceed Rs. 10,000 per annum

4 For the purpose of calculating additional pension, service as a Judge shall be classified as follows

Grade I Service as Chief Justice in any High Court

Grade II Service as any other Judge in any High Court

5 For each completed year of service for pension in either of the grades mentioned in paragraph 4 the Judge who is eligible for a basic pension under this Part shall be entitled to the additional pension specified in relation to that grade in the second column of the table annexed hereto

Provided that the aggregate amount of his basic and additional pension shall not exceed the amount specified in the third column of the said table in relation to the higher grade in which he has rendered service for not less than one completed year

TABLE

Service	Additional pension per annum	Maximum aggregate pen- sion per annum
	Rs	Rs
Grade I	740	20,000
Grade II	470	16,000

6 A Judge who has rendered service for pension in both the grades may claim that any period of service of less than a completed year rendered by him

(3) In this section "continuing Judge" means a Judge of a former High Court in a Part B State who on the first day of November, 1956, or on any date subsequent thereto has become or been appointed as a Judge of a High Court for a State.

24. *Power to make rules.*—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

- (a) leave of absence of a Judge;
- (b) pension payable to a Judge;
- (c) travelling allowances to a Judge;
- (d) facilities for medical treatment and other condition of service of a Judge;
- (e) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of any thing previously done under the rule.

25. *Savings.*—(1) Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his allowances or his rights in respect of leave of absence (including leave allowances) or pensions than those to which he would be entitled if this Act had not been passed.

(2) Nothing contained in this Act, as amended by the High Court Judges (Conditions of Service) Act, 1958 shall have effect so as to give a Chief Justice or a Judge of former High Court in a Part B State less favourable terms in respect of his allowances or his rights in respect of leave of absence (including the leave allowances) or pension than those to which he would be entitled under the High Court Judges (Part B States) Order, 1953, or any other order or rule then applicable to him, if he had continued as a Judge of that High Court, his service as a Judge on or after

2 The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating the pension, and

(b) a special additional pension of Rs 500 per annum in respect of each completed year of service for pension but in no case such additional pension together with the additional or special pension if any to which he is entitled under the ordinary rules of his service shall exceed Rs 2500 per annum

THE SECOND SCHEDULE

(See section 17)

INJURY GRATUITIES AND PENSIONS

Officer	Gratuity Rs	Annual pension	
		Higher scale Rs	Lower scale Rs
1 Chief Justice	20 000	5 400	4 700
2 Any other Judge	13 500	4 700	4 000

FAMILY GRATUITIES AND PENSIONS

A—Widow

Officer	Gratuity Rs	Annual pension Rs
1 Chief Justice	15 000	5 000
2 Any other Judge	13 500	4 000

B—Children

Annual pension

Officer	Annual pension	
	If motherless Rs	If not motherless Rs
1 Chief Justice	550	320
2 Any other Judge	550	320

in the higher grade, or any portion of any such period, shall be treated for the purposes of paragraph 5 as service rendered by him in the lower grade.

7. For the purposes of this Part, service as an acting Chief Justice of a High Court or as an ad hoc Judge of the Supreme Court, shall be treated as though it were service rendered as Chief Justice of a High Court.

8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed twelve years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Court shall be Rs. 20,000 per annum.

9. Where a Judge to whom this part applies retires or has retired at any time after the 26th January, 1950, without being eligible for a pension under any other provisions of this part then, notwithstanding anything contained in the foregoing provision, a pension, a pension of Rs. 6,000 per annum shall be payable to such a Judge :

Provided that nothing in this paragraph shall apply—

- (a) to an additional Judge or acting Judge; or
- (b) to a Judge who at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Union or a State.

PART II

1. The provisions of this Part apply to a Judge who is the member of the Indian Civil Service and who has not elected to receive the pension payable under Part I.

2. The pension payable to such a Judge shall be—

- (a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension, and
- (b) the additional pension, if any, to which he is entitled under paragraph 3.

3. If such a Judge has completed not less than seven years of service for pension in a High Court, he shall be entitled to an additional pension in accordance with the following scale :

	per annum
	Rs.
For seven completed years of service for pension	1,333
For eight completed years of service for pension	1,600
For nine completed years of service for pension	1,866
For ten completed years of service for pension	2,133
For eleven completed years of service for pension	2,400
For twelve or more completed years for service for pension	2,666

PART III

1. The provision of this Part apply to a Judge who has held any civil pensionable post under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive pension payable under Part I.

4 *Decision of questions*—If any question arises about the interpretation of the provisions of these rules, the decision of the Central Government thereon shall be final.

APPENDIX III

ALL INDIA SERVICES ACT, 1951

1 *Short title*.—This Act may be called the All India Services Act, 1951.

2. *Definition*—In this Act, the expression "an All India Service" means the service known as the Indian Administrative Service or the Service known as the Indian Police Service.

3 *Regulation of recruitment and condition of service*—(1) The Central Government may, after consultation with the Government of the States concerned including the State of Jammu and Kashmir, make rules for the regulation of recruitment, and the conditions of service of persons appointed, to an All India Service

(2) All rules made under this section shall be laid for not less than fourteen days before Parliament as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make on a motion made during the session in which they are so laid

4 *Continuance of existing rules*—All rules in force immediately before the commencement of this Act and applicable to an All India Service shall continue to be in force and shall be deemed to be rules made under this Act

APPENDIX IV

ALL INDIA SERVICES (CONDITIONS OF SERVICE— RESIDUARY MATTERS) RULES, 1960

1 *Short title*—These rules may be called the All India Services—Residuary Matters, Rules 1960

2 *Power of Central Government to provide for residuary matters*—The Central Government may, after consultation with the Governments of the States concerned, make regulations to

APPENDIX II

HIGH COURT JUDGES RULES, 1956

1. *Short title.*—The rules may be called the High Court Judges Rules, 1956.

1A. *Definition.*—In these rules, "Judge" includes an acting and an additional Judge.

2. *Conditions of service in certain cases.*—The conditions of service of a Judge of a High Court for which no express provision has been made in the High Court Judges (Conditions of Service) Act, 1954, shall be, and shall from the commencement of the Constitution be deemed to have been, determined by the rules for the time being applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated:

Provided that, in respect of facilities for medical treatment and accommodation in hospitals, the provisions of the All-India Services (Medical Attendance) Rules 1954, in their application to a Judge, shall be deemed to have taken effect from the 26th January, 1950.

3. *Passage benefits.*—(i) A Judge who is a member of the Indian Civil Service and whose domicile at the date of his appointment to that service was elsewhere than in India, shall have the same rights in respect of passages for himself, his wife and children, if any, as under the rules of that service he would have had, if he had not been appointed a Judge, his service as Judge being treated as service for the purpose of determining those rights,

(ii) Any other Judge whose domicile at the date of his appointment as Judge was elsewhere than in Asia shall have the same rights in respect of passages for himself, his wife and children, if any, as under the rules for the time being applicable to persons who became members of the Indian Civil Service on that date he would have had, if he had become a member thereof on that date and if his service as Judge were treated as service therein for the purpose of determining those rights:

Provided that, in the case of a Judge who was, before appointment to a High Court in India, a Judge of a former Indian High Court, the date of his appointment and his service as such Judge shall be treated as the date of this sub-rule, and any passages taken by him as such Judge shall be treated as passages taken under these rules.

- (a) 'commuted leave' means leave taken under rule 13,
- (b) 'completed year of service' means continuous service of the specified duration under the Government and includes periods spent on duty as well as on leave including extraordinary leave,
- (c) 'duty' means duty as a member of the service and includes—
 - (i) service as probationer,
 - (ii) joining time,
 - (iii) such other periods as the Government may, by general or special order, declare as 'duty'
- (d) 'earned leave' means leave earned under Rule 10 in respect of periods spent on duty
- (e) 'earned leave due' means the amount of earned leave to the credit of a member of the service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date plus the amount of earned leave calculated as prescribed in Rule 10 diminished by the amount of earned leave taken after the date on which he became subject to these rules
- (f) 'foreign service' means service where a member of the service receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State
- (g) 'Government' means—
 - (i) in the case of a member of the service serving in connection with the affairs of the Union the Central Government, or
 - (ii) in the case of a member of the service serving under a foreign Government (whether on duty or on leave), the Central Government, or
 - (iii) in the case of a member of the service serving in connection with the affairs of a State, the Government of that State or
 - (iv) in the case of a member of the service on leave the Government who sanctioned him the leave

Explanation—A member of the service whose services are placed at the disposal of any company, corporation, organization or any local authority by the Central Government or the Government of a State shall, for

regulate any matters relating to conditions of service of persons appointed to an All-India Service, for which there is no provision in the rules made or deemed to have been made under the All-India Services Act, 1951 (6 of 1951); and until such regulations are made, such matters shall be regulated:

- (a) in the case of persons serving in connection with the affairs of the Union, by the rules, regulations and orders applicable to officers of the Central Civil Services, Class I;
- (b) in the case of persons serving in connection with the affairs of a State, by the rules, regulations and orders applicable to officers of the State Civil Services, Class I, subject to such exceptions and modifications as the Central Government may, after consultation with the State Government concerned, by order in writing, make.

3. *Power to relax rules and regulations in certain cases.*—Where the Central Government is satisfied that the operation of—

- (i) any rule made or deemed to have been made under the All-India Services Act, 1951 (61 of 1951), or
- (ii) any regulations made under any such rule,

regulating the conditions of service of persons appointed to an All-India Service causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule or regulation, as the case may be, to such extent and subject to such exceptions and conditions, as it may consider necessary for dealing with the case in a just and equitable manner.

4. *Interpretation.*—If any question arises relating to the interpretation of these rules or relating to application or interpretation of rules, regulations or orders referred to in clauses (a) and (b) of rule 2, it shall be referred to the Central Government, whose decision thereon shall be final.

APPENDIX V

ALL-INDIA SERVICES (LEAVE) RULES, 1955

1. *Short title.*—These rules may be called the All-India Services (Leave) Rules, 1955.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

- (a) 'commuted leave' means leave taken under rule 13.
- (b) 'completed year of service' means continuous service of the specified duration under the Government and includes periods spent on duty as well as on leave including extraordinary leave.
- (c) 'duty' means duty as a member of the service and includes—
- (i) service as probationer,
 - (ii) joining time;
 - (iii) such other periods as the Government may, by general or special order, declare as 'duty'
- (d) 'earned leave' means leave earned under Rule 10 in respect of periods spent on duty.
- (e) 'earned leave due' means the amount of earned leave to the credit of a member of the service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date plus the amount of earned leave calculated as prescribed in Rule 10 diminished by the amount of earned leave taken after the date on which he became subject to these rules
- (f) 'foreign service' means service where a member of the service receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State.
- (g) 'Government' means—
- (i) in the case of a member of the service serving in connection with the affairs of the Union the Central Government, or
 - (ii) in the case of a member of the service serving under a foreign Government (whether on duty or on leave), the Central Government; or
 - (iii) in the case of a member of the service serving in connection with the affairs of a State, the Government of that State, or
 - (iv) in the case of a member of the service on leave the Government who sanctioned him the leave

Explanation—A member of the service whose services are placed at the disposal of any company, corporation, organization or any local authority by the Central Government or the Government of a State shall, for

the purpose of these rules, be deemed to be a member of the service serving in connection with the affairs of the Union or the affairs of that State, as the case may be, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the Union or of that State.

- (h) 'half pay leave' means leave earned under rule 12 in respect of completed years of service;
- (i) 'half pay leave due' means the amount of half pay leave to the credit of a member of the service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date plus the amount of half pay leave calculated as prescribed in rule 12 diminished by the amount of half pay leave including twice the amount of commuted leave taken under these rules;
- (j) 'joining time' means the time allowed to a member of the service in which to join a new post or to travel to or from a station to which he is posted;
- (k) 'leave' includes earned leave, half pay leave, commuted leave, leave not due, extraordinary leave, study leave, special disability leave, maternity or any other authorised leave of absence;
- (l) 'leave salary' means the monthly amount admissible to a member of the service who has been granted leave under these rules;
- (m) 'member of the service' means a member of the Indian Administrative Service or the Indian Police Service, as the case may be;
- (n) 'month' means a calendar month;

Explanation.—In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days of which each such month may consist shall first be calculated and the odd number of days calculated subsequently.

- (o) 'substantive pay' means pay other than special pay, personal pay or any other emoluments which may be specially classed as pay, of the permanent post which a member of the service holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended, or the pay other than special pay,

8. *Combination of leave.*—Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

9. *Grant of leave beyond the date of retirement.*—No leave shall be granted beyond the date on which a member of the service must compulsorily retire:

Provided that if in sufficient time before the date of compulsory retirement an officer has been denied in whole or in part, on account of exigencies of public service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement, the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days, as prescribed in rule 11, so long as the leave so granted including the leave granted to him between the date from which leave preparatory to retirement was to commence and the date of compulsory retirement, does not exceed the amount of leave preparatory to retirement actually denied, the half pay leave, if any, applied for by an officer preparatory to retirement and denied in the exigencies of public service being exchanged with earned leave to the extent such leave was earned between the date from which leave preparatory to retirement was to commence and the date of compulsory retirement:

Provided further that an officer whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may be granted earned leave as under:

- (i) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under the preceding proviso, had he retired on the date of compulsory retirement;
- (ii) after the expiry of the period of extension—
 - (a) the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement diminished by the amount of such leave availed of during the period of extension, and
 - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service.

NOTE 1.—For the purpose of this rule a member of the service may be deemed to have been denied leave only, if in sufficient time before the date on

which he must compulsorily retire or the date on which his duties finally cease he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of public service or has ascertained in writing from Government that leave if applied for, would not be granted on the aforesaid ground

1 NOTE 2 —In determining the amount of earned leave due, in respect of the extension with reference to rule 10 the earned leave, if any admissible on the date of compulsory retirement shall be taken into account

7 10 *Rate and amount of earned leave* —(1) The earned leave admissible to a member of the service shall be one eleventh of the period spent on duty

(2) A member of the service shall cease to earn leave when the earned leave due amounts to 180 days

(3) In the case of a State Service officer appointed to the All India Services the maximum limit on accumulation of leave laid down in sub rule (2) shall not apply during the period of the first five years from the date of his appointment to the service or from that of the commencement of these rules, whichever is later and such an officer may be allowed during the said period of five years to avail himself of the accumulated leave to his credit:

Provided that on the expiry of the said period of five years the leave at the credit of the officer in excess of the normal maximum limit of accumulation of leave laid down in sub rule (2) shall lapse

Provided further that he shall not earn leave during that period unless the accumulated leave at his credit falls below 180 days

11 *Maximum leave admissible at a time* —(1) Subject to the provisions of Rule 9 and sub rule (2) of this rule, the maximum earned leave that can be granted to a member of the service at a time shall be 120 days

(2) Earned leave may be granted to a member of the service exceeding a period of 120 days but not exceeding 180 days, if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Daman, Diu, Goa, Nepal and Pakistan.

Provided that where earned leave exceeding a period of 120 days is granted under this sub rule, the period of such leave spent in India shall not in the aggregate exceed 120 days

12 *Half pay leave* —(1) The half pay leave admissible to a member of the service in respect of each completed year of service shall be 20 days

(2) The half pay leave due may be granted to a member of the service on medical certificate or on private affairs

13. *Commuted leave.*—Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a member of the service subject to the following conditions, namely—

- (a) commuted leave during the entire service shall be limited to a maximum of 240 days,
- (b) when commuted leave is granted, twice the amount of such leave shall be debitable to the half pay leave due, and
- (c) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days at a time;

Provided that no commuted leave may be granted under this rule unless the Government has reason to believe that the member of the service will return to duty on its expiry.

14. *Leave not due.*—Save in the case of leave preparatory to retirement, leave not due may be granted to a member of the service for a period not exceeding 360 days during his entire service out of which not more than 90 days at any time and 180 days in all may be granted otherwise than on medical certificate.

NOTES.—(1) Leave not due shall not be granted to a member of the service unless the Government is satisfied that as far as can be reasonably foreseen, he will return to duty and earn an equal amount of half pay leave.

(2) A member of the service who is invalided during the currency of or at the end of a period of leave not due, shall be retired from the date of expiry of such leave not due.

(3) Where a member of the service who has been granted leave not due under this rule applies for and is granted permission to retire, the leave not due shall be cancelled and his retirement shall have effect from the date on which such leave commenced.

15. *Extraordinary leave.*—(1) Subject to the provisions of rule 7, extraordinary leave may be granted to a member of the service in the following special circumstances, that is to say—

- (a) when no other kind of leave is admissible, or
- (b) when any other kind of the leave is admissible but the member of the service applies in writing for the grant of extraordinary leave.

(2) Government may retrospectively convert periods of absence without leave into extraordinary leave when any other kind of leave was admissible at the time when absence without leave commenced.

(3) Extraordinary leave shall not be debited to the leave account.

16 *Special disability leave*—(1) Special disability leave which may be combined with leave of any other kind, may be granted to a member of the service under such conditions as may be prescribed in the regulations made in this behalf by the Central Government in consultation with State Governments concerned

(2) Such leave shall not be debited to the leave account except as provided in sub-rule (6) of Rule 20

(3) Such leave may be granted on more than one occasion if the disability is aggravated or reproduced in similar circumstances on a later date but not more than twenty-four months of such leave shall be granted in consequence of any one disability

(4) When a member of the service suffers an injury while on service under the Armed Forces, any period of leave granted under the leave rules applicable in the Armed Forces in respect of that injury shall be treated as granted under this rule

17 *Study leave*—(1) Leave may be granted to a member of the service on such terms as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Government concerned to enable him to undergo, in India or out of India, a special course of study or instructions approved by the Government in public interest

(2) Such leave shall not be debited to the leave account

18 *Maternity leave*—(1) Maternity leave may be granted to a woman member of the service on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier

(2) Such leave shall not be debited to the leave account

(3) Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation of maternity leave may be granted only if the application is supported by a medical certificate

NOTE—Maternity leave may also be granted in cases of miscarriage including abortion subject to the condition that the leave applied for does not exceed six weeks and the application for leave is supported by a medical certificate

19 *Conversion of one kind of leave into another kind*—(1) At the request of a member of the service, the Government may convert any kind of leave retrospectively into leave of a different kind which may be admissible, but the member of the service can not claim such conversion as a matter of right

(2) If one kind of leave is converted into another the amount of leave salary admissible shall be recalculated and arrears of leave salary paid or amounts overdrawn recovered, as the case may be

ing leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty.

NOTE—This rule does not apply to casual literary work or service as an examiner or similar employment

(2) The leave salary of a member of the service who is permitted to take up employment under any Government or private employer during leave preparatory to retirement shall be subject to such restrictions as the Central Government may, by general or special order, prescribe

22 *Recall of a member of the service while on leave*—All orders recalling a member of the service to duty before the expiry of the leave granted to him shall state whether the return to duty is optional or compulsory. If the return is optional, the member of the service shall not be entitled to any concession. If it is compulsory, he shall be entitled—

(a) if the leave from which he is recalled is out of India—

- (i) to receive a free passage to India, and provided he has not completed half the period of his leave by the date of leaving for India on recall or 90 days whichever period is shorter, to receive a refund of the cost of his passage from India,
- (ii) to receive travelling allowances admissible to him as a member of the service in respect of the journey from the port of debarkation to the station to which he is posted
- (iii) to count the time spent on the voyage to India as duty for purposes of calculating leave, and
- (iv) to receive leave salary during the voyage to India and for the period from the date of landing in India to the date of joining his post, to be paid leave salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave,

(b) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw travelling allowances admissible to him as a member of the service for the journey but to draw until he joins his post, leave salary only

Explanation—For purposes of this rule leave out of India has the same meaning as given in sub rule (2) of Rule 11

20 *Leave salary*—(1) A member of the service on earned leave is entitled to leave salary equal to the greater of the amounts specified below

- (a) the substantive pay on the day before the leave commences or
- (b) (i) in respect of the first 60 days of the earned leave the average monthly pay earned during the twelve complete months preceding the month in which the leave commences and
- (ii) thereafter the average monthly pay earned during the thirty-six complete months preceding the month in which the leave commences

(2) A member of the service on half pay leave or leave not due is entitled to leave salary equal to half the substantive pay on the day before the leave commences or half the amount specified in clause (b) (ii) of sub rule (1) whichever amount is greater subject in either case to a maximum of Rs 750

(3) A member of the service on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (2)

(4) A member of the service on extraordinary leave is not entitled to any leave salary

(5) A member of the service on special disability leave shall be entitled in respect of the initial period of 120 days to leave salary in accordance with such rule (1)

(6) In respect of special disability leave beyond the initial period of 120 days leave salary equal to the amount specified at clause (a) or clause (b) (ii) of sub rule (1) whichever is greater may be granted at the option of the member of the service for a further period limited to the number of days of earned leave due to him in which case the earned leave account shall be debited with half the number of days for which leave salary is granted under this sub rule

(7) The leave salary during special disability leave in respect of any period not covered by sub rules (5) and (6) shall be at the rate specified in sub rule (2)

21 *Accepting any service of employment while on leave*—

(1) A member of the service on leave shall not take any service or accept any employment without obtaining the permission of the Government

Provided that a member of the service who has been granted permission to take up any service or accept any employment dur

c may be granted to a member of the service in accordance with these rules if the foreign employer or the member of the service pays to the Consolidated Fund of India leave contribution at such rate as the Central Government may, by the general or special order prescribe

NOTE—In the case of a member of the service who remains on foreign service out of India for more than twelve months and who on reversion immediately takes leave under these rules the leave salary shall be calculated in accordance with rule 20 of these rules. For this purpose the substantive pay drawn by him on the day preceding the date on which he was transferred to foreign service or pay drawn by him during the twelve complete months or thirty six complete months as the case may be preceding the month in which he was transferred to foreign service shall be taken into account

28 *Leave salary contribution while on foreign service in India*—(1) While a member of the service is on foreign service in India contributions towards the amount of leave salary shall be paid to the Government concerned on his behalf

(2) The contribution due under sub rule (1) shall be paid by the member of the service himself unless the foreign employer agrees to pay them

(3) The rates of contributions payable under this rule shall be such as the Central Government may, by general or special order prescribe

(4) The Government may, by general or special order, remit the contributions payable under this rule in any specific case or class of cases

(5) A member of the service on foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ

(6) Neither the member of the service nor the foreign employer has any right of property in a contribution paid and no claim for refund shall be entertained

Explanation—For the purpose of calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of the member of the service paying his own contribution such part of pay as may be paid as contribution shall count as pay

29 *Extent of leave admissible to a probationer in case of termination of service*—If for any reason it is proposed to terminate the services of a member of the service on probation any leave which may be granted to him shall not extend beyond the date on which the probationary period already sanctioned or extended expires, or any earlier date on which his services are terminated by an order of the Central Government

30 *Counting of former service for leave in case of reinstatement after dismissal or removal or compulsory retirement from*

23 *Rejoining of duty on return from leave on medical grounds*—No member of the service who has been granted leave on medical certificate shall return to duty without first producing a medical certificate of fitness in such form as the Government may, by order, prescribe. A similar certificate may be required in the case of a member of the service who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

24 *Overstayal after expiry of leave*—A member of the service who remains absent at the end of his leave is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it were leave on half pay, unless his leave is extended by the Government. Willful absence from duty after the expiry of leave may render a member of the service liable to disciplinary action.

25 *Effect of transfer to foreign service while on leave*—A member of the service transferred to foreign service while on leave ceases from the date of such transfer, to be on leave and shall not be entitled to draw leave salary from that date.

26 *Regulation of leave during foreign service in India*—(1) A member of the service who is on foreign service in India shall not be granted leave otherwise than in accordance with these rules and shall not be entitled to avail himself of leave or draw leave salary from the Government unless he is actually relieved of his duty under the foreign employer and proceeds on leave.

(2) If a member of the service avails himself of leave to which he is not entitled, he may be required to refund leave salary irregularly drawn and in the event of his refusing to refund, he shall forfeit previous service under the Government and shall cease to have any claim on the Government in respect of either pension or leave salary.

27 *Regulation of leave during foreign service out of India*—(1) A member of the service on foreign service out of India may be granted leave by his foreign employer on such conditions as the employer may determine. In any individual case, the authority sanctioning foreign service may determine beforehand in consultation with the employer, the conditions subject to which such leave may be granted by the employer. The leave salary in respect of such leave granted by the employer will be paid by the employer and such leave shall not be debited to the leave account of the member of the service.

(2) In special circumstances the authority sanctioning a transfer to foreign service out of India may make arrangements with the member of the service or the foreign employer under which

(2) The conditions of service of such members as respects leave shall continue to be regulated by the rules applicable to them immediately before commencement of these rules

APPENDIX VI

THE ALL INDIA SERVICES (SPECIAL DISABILITY LEAVE) REGULATIONS, 1957

1 *Short title*—These regulations may be called the All India Services (Special Disability Leave) Regulations, 1957

2 *Definitions*—In these regulations, unless the context otherwise requires—

(1) (a) "disability" means any injury, illness, infirmity, or disease, and

(b) "Medical Board" means a medical board set up by the Government

(2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the All India Services (Leave) Rules, 1955

3 *Conditions for the grant of special disability leave and the amount of such leave.*—(1) (i) Special disability leave may be granted to a member of the service who suffers a disability as a result of risk of office or special risk of office

(ii) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the member of the service who suffers the disability acted with due promptitude in bringing it to the notice of the Government. The Government may, however, if satisfied as to the cause of disability permit such leave being granted in cases where the disability manifested itself more than three months after the occurrence of its cause

Explanation—(i) 'Risk of office' means any risk, not being special risk of accident or disease to which a member of the service is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service and includes any risk of injury, illness, disease or accident (whether caused or occasioned by riots civil disorders or commotions and

service—A member of the service who is dismissed or removed or compulsorily retired from the service but is reinstated on appeal or revision, under the relevant provisions of the All India Services (Discipline and Appeal) Rules 1955 shall be entitled to count his former service for leave

31 *Procedural instructions*—(1) A leave account shall be maintained in respect of each member of the service

(2) Subject to any general or special order that may be issued by the Central Government if necessary in consultation with the Comptroller and Auditor General of India the Government may prescribe the procedure to be followed in regard to—

(i) making of application for leave and for permission to return from leave

(ii) granting of leave and

(iii) the payment of leave salary

32 *Relaxation of the provisions of the rules in individual cases*—Where the Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a member of the service it may after recording its reasons for so doing and notwithstanding anything contained in any of these rules deal with the case of such member in such manner as may appear to it to be just and equitable

Provided that the case shall not be dealt with in any manner less favourable to such member than that prescribed in these rules

33 *Interpretation*—If any question arises relating to the interpretation of these rules it shall be referred to the Central Government whose decision thereon shall be final

34 *Repeal*—All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules

35 *Saving*—(1) Nothing in these rules shall apply to members of the service specified in clauses (a) and (b) of sub rule (1) of rule 3 of the Indian Administrative Service (Recruitment) Rules 1954 or to members of the service specified in clause (a) of sub rule (1) of rule 3 of the Indian Police Service (Recruitment) Rules 1954

- (iii) a period of absence recommended by a medical board may be covered in part by special disability leave and in part by other leave and that a period of special disability leave granted on full pay may be less than 120 days

APPENDIX VII

ALL INDIA SERVICES (DEATH CUM RETIREMENT BENEFITS) RULES, 1958

1 *Short title and application*—(1) These rules may be called the All India Services (Death-cum Retirement Benefits) Rules, 1958

(2) (a) Subject to the provisions of clause (b) of this sub-rule, they shall apply to all persons who retired from the service on or after the 29th October, 1951

(b) They do not apply to—

- (i) those who became members of the Service in accordance with clauses (a), (b) and (c) of sub-rule (1) of rule 3 of the Indian Administrative Service (Recruitment) Rules, 1954 and such of those who being members of the Service in accordance with clause (a) of sub-rule (1) of rule 3 of the Indian Police Service (Recruitment) Rules, 1954, did not opt for the Liberalized Pension Rules, as applicable to officers of the Central Services Class I;
- (ii) those members of the Service who would have been confirmed, prior to the 21st October, 1946, in the Indian Police but for the ban on such confirmation, and who do not opt for these rules within a period of three months from the date of the issue of this notification and those members of the Service who would have been confirmed prior to 21st October, 1946, in the listed posts in the Indian Civil Service but for the ban on such confirmation,
- (iii) those members of the Service who were promoted to the Service from the State Services or were appointed to the Service under the Indian Administrative Service (Extension to States) Scheme or the Indian Police Service (Extension to the States) Scheme and who under orders issued by the Central Government before the coming into force of these rules were given an option in the matter of pension rules by which

other extraordinary circumstances) arising out of and in the course of discharge of his duties by a member of the service on a working day or holiday. A member of the service who is proceeding to or returning from any place to which he has to go in the course of his duties or in order to discharge his duties shall be deemed to be acting in the discharge of his duties.

(ii) 'Special risk of Office' means—

(a) a risk of suffering injury by the act of a person who inflicts an injury on a member of the service

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(ii) because of anything done or attempted to be done by such member of the service in the lawful discharge of his duty as such, or

(iii) because of his official position;

(b) a risk of injury by accident to which a member of the service is exposed in the course of, or as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risk of his office, and

(c) a risk of contracting disease in the performance of any particular duty which has the effect of increasing his liability to illness beyond the ordinary risk attaching to the civil post which he holds.

(2) The period of leave granted shall be such as may be certified by a medical board to be necessary and shall not be extended except on a certificate from a medical board.

(3) Where a member of the service suffers a disability by an injury accidentally incurred in or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds, the grant of special disability leave is subject to the further conditions that—

(i) the disability if due to a disease must be certified by a medical board to be directly due to the performance of the particular duty, and

(ii) the disability contracted during service otherwise than with the Armed Forces must, in the opinion of Government, be so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave.

- (ii) a specific addition to the work or responsibility, or
- (iii) the unhealthiness of the locality in which the work is performed
- (m) State Government means the State Government on whose cadre the member of the Service was borne immediately before retirement or death

(2) All words and expressions used in these rules and not defined therein but defined in the Pensions Act 1871 (23 of 1871) or the General Clauses Act 1897 (10 of 1897) or in the Leave Rules shall have the meanings respectively assigned to them in the said Acts or in the said Rules

3 *General conditions*—(1) Future good conduct of the pensioner is an implied condition of every grant of pension and its continuance

(2) The Central Government may withhold or withdraw any pension or any part of it for a specified period or indefinitely on a reference from the State Government concerned if after retirement a pensioner is convicted of a serious crime or be guilty of grave misconduct

(3) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final

4 *Limitation*—A member of the Service cannot earn two pensions in the same office at the same time or by the same continuous service

5 *Removal Dismissal or Resignations from Service*—(1) No retirement benefits may be granted to a person who has been dismissed or removed from the Service or who has resigned from the Service

Provided that if the circumstances of the case so warrant the State Government may grant to a person who has been dismissed or removed from the Service a compassionate allowance not exceeding two-thirds of the retirement benefits which would have been admissible to him if he had been invalided and not dismissed or removed from the Service

(2) Where a member of the Service is required to retire or resign from the Service as a condition of his appointment under a statutory or other body he shall be granted the retirement benefits to which he would have been entitled if he had been invalided from the Service and not resigned or retired

6 *Recovery from pension*—The Central Government reserves to itself the right of withholding or withdrawing a pension

they would be governed and who in exercise of that option, chose to be governed by the Superior Civil Services Rules and the Civil Service Regulations, or the pension rules of the State concerned, as the case may be

2 *Definitions*—(1) In these rules, unless the context otherwise requires,—

- (a) "Accounts Officer" means such officer as may be appointed by the Comptroller and Auditor General of India,
- (b) "death *cum* retirement gratuity" means the lump sum granted to a member of the service or his family in accordance with rule 19,
- (c) "gratuity" means the lump sum specified in Schedule A which may be granted to a person retiring from the Service before completion of 10 years of qualifying service;
- (d) "leave rules" means the All-India Services (Leave) Rules, 1955,
- (e) "leave with allowances" means leave other than extraordinary leave and includes earned leave in excess of 120 days where one spell of earned leave exceeds 120 days,
- (f) "member of the service" means a member of the Indian Administrative Service or the Indian Police Service, as the case may be,
- (g) "pay" means the monthly substantive pay;
- (h) "pension" means the amount payable monthly under rule 18 to a person who has retired from the Service in recognition of the services rendered by him to Government;
- (i) "personal pay" means additional pay granted to a member of the Service in exceptional circumstances, on personal considerations,
- (j) "retirement benefits" includes pension or gratuity and death-cum-retirement gratuity where admissible,
- (k) "schedule" means a Schedule to these rules;
- (l) "special pay" means an addition of the nature of pay to the emoluments of a post or of a member of the Service granted in consideration of—
 (i) the specially arduous nature of the duties, or

orarily retired from the Service by the Central Government in accordance with the provisions of the All India Services (Discipline and Appeal) Rules 1955 may be granted retirement benefits on the basis of his qualifying service on the date of such compulsory retirement on the appropriate scales indicated in Schedules A and B

(2) If a member of the Service compulsorily retired from the Service dies within 5 years of such retirement his family as defined in rule 21 may be granted a family pension subject to the provisions in rule 22 for the unexpired portion of 5 years

8 *Qualifying service*—(1) Unless provided otherwise in these Rules qualifying service of a member of the Service for purposes of these Rules begins from the date of his substantive appointment to the Service

Provided that in the case of a member of the Service appointed initially on probat on the period of probat on shall also count as qualifying service

(2) Any period of service under the Central or a State Government rendered by a member of the Service prior to his appointment to the Service shall count as qualifying service under these Rules to the extent to which such service would have counted as qualifying service for pension under the rules applicable to him prior to his appointment to the Service provided that the service is otherwise continuous

Provided that temporary or officiating service followed without interruption by confirmation in the same or another post shall count in full as qualifying service except in respect of periods of temporary or officiating service in non pensionable establishments

Explanation—For the purpose of this sub-rule—

- (1) Leave of any kind or suspension followed by reinstatement does not constitute a break
 - (2) Service under a State Government includes the service rendered before migration into India as a result of the Partition in States which have since become part of Pakistan Breaks in service if any, caused at the time of such migration due to reasons beyond the control of the member of the Service may be condoned by the State Government but the period of the break or breaks will be ignored in determining the total length of qualifying service
- (2A) (a) A member of the Service who has rendered continuous war/military service followed without interrup

or any part of it, whether permanently or for a specified period and the right of ordering the recovery from pension of the whole or part of any pecuniary loss caused to the Central or a State Government if the pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct or to have caused pecuniary loss to the Central or a State Government by misconduct or negligence during his service including service rendered on re employment after retirement

Provided that—

- (a) such departmental proceedings if not instituted while the pensioner was on duty either before retirement or during re employment—
 - (i) shall not be instituted save with the sanction of the Central Government
 - (ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings and
 - (iii) shall be conducted by such authority and in such place or places as the Central Government may direct and in accordance with the procedure applicable to proceedings on which an order of dismissal from service may be made and
- (b) such judicial proceedings, if not instituted while the pensioner was on duty either before retirement or during re employment shall have been instituted in accordance with sub clause (ii) of clause (a)

Explanation—For the purposes of this rule—

- (a) departmental proceedings shall be deemed to have been instituted when the charges framed against the pensioner are issued to him or if the officer has been placed under suspension from an earlier date on such date and
- (b) judicial proceedings shall be deemed to have been instituted—
 - (i) in the case of criminal proceedings on the date on which a complaint is made or a charge sheet is submitted to the criminal court and
 - (ii) in the case of civil proceedings on the date on which the plaint is presented or as the case may be an application is made to a civil court

7 *Compulsory retirement as a measure of penalty*—(1) A member of the Service who as a measure of penalty is compul

orders that might be issued by the Central Government in this behalf

- (5) (a) A member of the Service who, prior to his appointment to the Service, held a post in the General Administrative Reserve or a post under Government on a contract basis, shall have the option to count the period of service in such post in full as qualifying for pension under these Rules. Provided that such service is otherwise continuous and that he did not draw inflated rates of pay by reason of the absence of retirement benefits.
- (b) The option under (a) shall be exercised within a period of three months from the 31st December, 1962 or within three months from the date of appointment to the Service whichever is later. The option once exercised shall be treated as final.
- (c) Where a member of the Service exercises the option to count his previous service in the General Administrative Reserve or on contract basis, the amount of Government contributions with interest thereon standing to his credit in any contributory provident fund to which he might have been admitted shall be surrendered and credited to the Consolidated Fund of the State on whose cadre he is borne while the amount of his own subscriptions to that fund if not already withdrawn together with interest thereon shall be transferred to his account in the All India Services Provident Fund.

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest from the date of payment to the date of final refund in a suitable number of instalments to be prescribed by the State Government.

(6) A member of the Service who prior to his appointment to the Service held a post under Government carrying contributory provident fund benefits shall have the option to count as qualifying service the whole of the period of his service in such a post during which he actually subscribed to the contributory provident fund.

The option under this sub rule shall be exercised within a period of three months from the 31st December 1962 or within three months of appointment to the Service whichever is later. The option once exercised shall be final.

Where a member of the Service exercises the option the amount of Government contributions together with interest thereon standing to his credit in that fund shall be surrendered and credited to the Consolidated Fund of the State on whose

tion by appointment to, and eventual confirmation in, a pensionable post in civil service shall count such war/military service in full as qualifying service, if—

- (i) such service was rendered, in the case of the Indian Administrative Service after the age of 21 years, and in the case of the Indian Police Service after the age of 19 years, in the Armed Forces of India or similar forces of a Commonwealth country; and
 - (ii) such service did not earn a pension under the Military, Naval or Air Force Rules
- (b) No refund of bonus or gratuity received by a member of the Service in respect of such war service shall be demanded from the officer concerned. Provided, however, where the officer has been granted any retirement gratuity for service covering both the war and post war periods it shall be refundable
- (3)(a) A member of the Service who has rendered war service not covered by sub-rule (2A) and was appointed to the Service against a war reserved vacancy which arose for direct recruitment before the 1st January, 1948, shall count as qualifying service the completed years of his paid, whole-time, enlisted or commissioned war service satisfactorily rendered between the 3rd September, 1939 and the 1st April, 1946, if—
- (i) such service was rendered, in the case of the Indian Administrative Service, after the age of 21 years and in the case of Indian Police Service, after the age of 19 years, in the Armed Forces of India or similar forces of a Commonwealth country, and
 - (ii) such service did not earn a pension under the Military, Naval or Air Force Rules:

Provided that the period that can be counted as qualifying service under this sub-rule shall be subject to a maximum of 5 years

(b) No refund of bonus or gratuity received by a member of the Service in respect of such war service shall be demanded in lieu of counting the war service as qualifying service under this sub-rule

(4) A member of the Service who rendered war service not covered by sub-rules 2(A) and (3) shall count that service as qualifying service to the extent to which such service is counted as qualifying for pension under the Civil Service Regulations as applicable to members of the Central Services, Class I or under any

(4) Where maternity leave available by a member of the Service, whether alone or in combination with some other form of leave on full pay (except special disability leave) exceeds 120 days, the first 120 days only of the entire spell of leave shall count as qualifying service

(5) Leave granted by foreign employer to a member of the Service while on foreign service out of India under sub rule (1) of rule 27 of the Leave Rules shall be treated as leave and not as duty for purposes of computing qualifying service

10 *Counting of periods of deputation or leave outside India for purposes of qualifying service*—(1) Where a member of the Service is deputed out of India on duty the whole period of his absence from India on such deputation shall count as qualifying service

(2) Where a member of the Service on leave out of India is employed, or is detained on duty out of India after the termination of his leave, the period of such employment or detention shall count as qualifying service:

Provided that the periods of deputation converted into leave shall count for purposes of qualifying service as leave and not as deputation.

(3) Time spent on journey to India by a member of the Service who is recalled to duty before the expiry of any duly sanctioned leave out of India counts as qualifying service

11 *Periods not qualifying as service for pension*—The following periods of service of a member of the Service do not count as qualifying service for pension.

- (1) Time passed under suspension by a member of the Service pending enquiry into his conduct if the suspension is not immediately followed by reinstatement
- (2) Leave other than leave which counts as qualifying service under rule 9
- (3) Unauthorised absence in continuation of authorised leave of absence or joining time.

Provided that where a member of the Service who has been suspended pending disciplinary proceedings regarding his conduct is reinstated, but with forfeiture of any part of his pay and allowances for the period of his suspension such period shall count as qualifying service under these rules only to such extent and in accordance with such directions as the Competent Authority may issue under clause (b) of sub rule (3) of rule 9 of the All India Services (Discipline and Appeal) Rules, 1955

cadre he is borne, while the amount of his own subscriptions to that fund if not already withdrawn, together with interest thereon, shall be transferred to his account in the All India Services Provident Fund

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest in a suitable number of instalments to be prescribed by the State Government

(7) Foreign service rendered by a member of the Service shall count as qualifying service provided that contributions towards the cost of retirement benefits of the member of the Service at such rates as the Central Government may prescribe from time to time, have been paid either by the foreign employer or, failing that, by the member of the Service himself, in respect of the entire period of foreign service, unless the payment of contributions has been waived by Government

(8) 'Authorised Joining Time' availed of by a member of the Service shall count as qualifying service

(9) The qualifying service shall be calculated in six monthly periods. A fraction of less than six months shall not be taken into account in calculating the total qualifying service

10 Counting of period of leave as qualifying service—(1) Any period of earned leave not exceeding 120 days in any one spell and where any one spell exceeds 120 days, the first 120 days shall count as qualifying service

Explanation—Earned leave alternating with either deputation out of India or leave on half pay shall be treated as one spell of leave and shall not be treated as two spells of earned leave

(2) Subject to the provisions of sub-rules (3) and (4) leave with allowances shall count as qualifying to the extent indicated below

If the total service of the member of the Service is not less than —
15 years but less than 30 years
30 years.

He counts as qualifying service
a period of leave not exceeding —
1 year
2 years

Note 1—Total service for the purpose of column 1 of the table above shall be reckoned from the date of commencement of qualifying service and shall include all periods of leave but shall not include war service qualifying for pension under sub-rules (3) and (4) of rule 8

Note 2—Half pay leave commuted under rule 13 of the Leave Rules shall count as leave with allowances

(3) Any period of special disability leave or study leave availed of by a member of the Service shall count as qualifying service

- (b) in other cases, by the Medical Board to be convened by the Chief Administrative Medical Officer of the State in which the member of the Service is on duty or on leave. The Chief Administrative Medical Officer shall, where ever practicable, *preside over such a Board*

(4) Save where he is on leave out of India no member of the Service shall apply for a medical certificate of incapacity and no such certificate shall be granted unless—

- (a) the applicant produces evidence to show that the Government is aware of his intention to appear before the Chief Administrative Medical Officer, and
- (b) the Chief Administrative Medical Officer is informed about the age of the applicant as recorded in his history of services and is supplied with a statement of the leave taken by him during the three years immediately preceding and of the history of the medical case and the treatment adopted as far as possible

(5) If the Medical Board, although unable to discover any specific disease in the member of the Service, considers him incapacitated for further service by general debility while still under the age of fifty five years it shall give detailed reasons for its opinion. Wherever possible, a second medical opinion shall in such cases be obtained

Note—In a case of this kind a statement giving the grounds on which it is proposed to invalid a member of the Service shall be forwarded to the Medical Board by the Government under whom he is serving

(6) A certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a member of the Service on invalid gratuity or pension

(7) The Medical Certificate shall be in the form set forth in Schedule 'C'

14 *Restrictions on the grant of invalid gratuity or pension*—

(1) A member of the Service who is discharged from the Service on grounds other than those specified in rule 13 shall have no claim to invalid gratuity or pension or death cum retirement gratuity even though he produces medical evidence of incapacity for service

(2) If the incapacity is directly due to irregular or intemperate habits, no invalid gratuity or pension or death-cum retirement gratuity shall be granted to a member of the Service. If it has not been directly caused by such habits but has been accelerated or aggravated by them it shall be for the Central Government to decide what reduction if any, shall be made on this account in the retirement benefits otherwise admissible

12. *Interruption in service and condonation of break in service*—(1) An interruption in the service of a member of the Service entails forfeiture of his past service except in the following cases:

- (i) Authorised leave of absence
- (ii) Unauthorised absence in continuation of authorised leave of absence
- (iii) Suspension where it is immediately followed by reinstatement or where the member of the Service dies, or is permitted to retire or is retired, while under suspension
- (iv) Time occupied in transit on transfer from one appointment to another

(2) In a case where war service is counted as qualifying service under sub rules (3) and (4) of rule 8, the break in such service as well as any break between such service and subsequent service in a civil post under Government shall be treated as condoned, but the period or periods of break as such shall not count as qualifying service

13 *Invalid gratuity or pension*—(1) Where the Government has reason to believe that a member of the Service is suffering from—

- (a) a contagious disease, or
- (b) a physical or mental disability which in its opinion interferes with the efficient discharge of his duties,

it may direct him to undergo medical examination with a view to retire him from service on invalid gratuity or pension as the case may be

A member of the Service also may, if he feels that he is not in fit state of health to discharge his duties, apply to the Government for retirement on invalid gratuity or pension, as the case may be

(2) An invalid gratuity or pension and death-cum retirement gratuity where admissible shall be granted to a member of the Service who having appeared under the directions of the Government or on his own application before a duly constituted Medical Board, is certified by that Medical Board, by bodily or mental infirmity, to be permanently incapacitated for further service

(3) The medical certificate of incapacity shall be attested—

- (a) if the member of the Service is on leave out of India, by a Medical Board to be convened for the purpose by the Indian Mission in the country in which the member of the Service is on leave,

- (a) for an aggregate period not exceeding six months, by the State Government, and
- (b) for any period beyond six months, with the sanction of the Central Government

Provided further that a member of the Service shall not be retained in service beyond the age of 60 years except in very special circumstances

(2) A member of the Service under suspension on a charge of misconduct shall not be required or permitted to retire from the service, but shall be retained in service until the enquiry into the charges against him is concluded and a final order is passed

(3) A superannuation gratuity or pension shall be granted to a member of the Service who is required to retire under sub rule (1) of this rule

17. *Retiring pension*—(1) A member of the Service who has completed 30 years of qualifying service may retire from the service after giving at least three months' previous notice in writing to the State Government

(2) The State Government may, with the approval of the Central Government, and after giving him at least three months' previous notice in writing, require a member of the Service who has completed 30 years of qualifying service to retire from service

(3) A retiring pension and death cum retirement gratuity, shall be granted to a member of the Service who retires under sub-rule (1) or who is retired under sub-rule (2)

18. *Amount of gratuity or pension*—The amount of invalid superannuation or retiring pension or gratuity admissible under rule 13, 16 or 17 shall be on the scale prescribed in column 2 of Schedule A subject to the maximum amount specified in column 3

19. *Death cum Retirement gratuity*—(1) Subject to the provisions of rule 14 a member of the Service who retires or is retired under rule 13, 16 or 17 and has on the date of such retirement completed 5 years' qualifying service may be granted a death cum retirement gratuity not exceeding the amount specified in sub rule (3)

(2) If a member of the Service who has completed 5 years' qualifying service dies while in service, a death cum retirement gratuity not exceeding the amount specified in sub rule (3) may be paid to the person or persons on whom the right to receive such gratuity is conferred under rule 21 and, if there is no such person, it may be paid in the manner indicated below

Notes—(1) The mere fact that a member of the Service has suffered from syphilis, taken by itself is not sufficient to bring his case under the operation of this rule.

(2) Unsoundness of mind caused by drug habits shall be taken as sufficient to bring his case under the operation of this rule

(3) The expression *irregular or intemperate habits* occurring in this rule refers to incapacity on account of drug habits or on account of diseases resulting from immoral habits. Cases where incapacity was due to other causes e.g., work at irregular hours during war and after due to exigencies of service not due to own volition do not come under the purview of this rule

15 Retirement from service of a member of the service in certain cases and grant of leave—(1) A member of the Service who has been declared by Medical Board to be permanently incapacitated for further service shall, if he is on duty, be invalided from service from the date of relief which shall be arranged without delay on receipt of the report of the Medical Board or, if he is granted leave under sub rule (2), on the expiry of such leave.

Provided that if he is on leave at the time of receipt of the report of the Medical Board he shall be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (2).

(2) A member of the Service in respect of whom a Medical Board has reported that there is no reasonable prospect of his ever being fit to return to duty, may not be granted leave except as follows

(a) If the Medical Board is unable to say with certainty that the member of the Service will never again be fit for service, leave not exceeding 12 months in all may be granted to him. Such leave shall not be extended without further reference to a Medical Board

(b) If a member of the Service has been declared by the Medical Board to be completely and permanently incapacitated for further service leave or an extension of leave may be granted to him after the report of the Medical Board has been received, provided that the amount of leave so granted together with any period of duty beyond the date on which the Medical Board signed their report, shall not exceed 6 months

16 Superannuation gratuity or pension—(1) A member of the Service shall be required compulsorily to retire from the service with effect from the date on which he attains the age of 55 years:

Provided that he may be retained in service after the date of compulsory retirement on public grounds which shall be recorded in writing—

Provided that the retirement benefits once granted shall not be reduced on the ground that proof of the service not having been thoroughly satisfactory became available after the sanction

(3) Any case in which retirement benefits or compassionate allowance has been sanctioned shall not unless there are special grounds for doing so be reopened on the ground that the amount sanctioned is less than the maximum admissible under these rules

Note 1.—This rule shall not be used directly to effect recovery but Government shall be justified in making proof of a specific instance of fraud or negligence on the part of a member of the Service the ground for a finding that his service has not been thoroughly satisfactory within the meaning of this rule for the purpose of reducing his retirement benefits

Note 2.—The measure of the reduction in the amount of retirement benefits made under this rule shall be to the extent by which the service of the member of the Service as a whole failed to reach a thoroughly satisfactory standard and the reduction in the amount of retirement benefits shall not be equated with the amount of loss to Government on account of negligence or fraud of the member of the Service

Note 3.—This rule contemplates permanent reduction in the amount of retirement benefits ordinarily admissible and does not admit of the reduction of pension payable in respect of any one particular year

21 *Nominations*—(1) For the purpose of this rule—

(a) “family” shall include the following relatives of the member of the Service—

- (i) wife or husband
- (ii) sons
- (iii) unmarried and widowed daughters,
- (iv) brothers below the age of 18 years, and unmarried or widowed sisters,
- (v) father,
- (vi) mother,
- (vii) married daughter; and
- (viii) children of a pre deceased son

Note 1.—Items (ii) and (iii) will include step-children

Note 2.—An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer or if any doubt arises in the mind of the Accounts Officer, the Solicitor to the State Government is satisfied that under the personal law of the member of the Service adoption is legally recognized as conferring the status of a natural child

(b) “person” shall include any company or association or body of individuals whether incorporated or not

(2) A member of the Service shall soon after confirmation in the Service make a nomination conferring on one or more persons the right to receive the death cum retirement gratuity that

- (i) If there are one or more surviving members of the family as in items (i), (ii) and (iii) of clause (a) of sub-rule (1) of rule 21, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares
- (ii) If there are no such surviving members of the family as in clause (i) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items (iv) to (viii) of clause (a) of sub-rule (1) of rule 21, it may be paid to all such members in equal shares

(3) (a) The death cum retirement gratuity shall be paid on the scale prescribed in column 2 of Schedule 'B', subject to the maximum of 15 times the emoluments and also to the maximum amount specified in column 3, as may be applicable, of that Schedule.

Provided that in the event of death of a member of the Service, while in service, the death cum retirement gratuity shall be subject to a minimum of 12 times his emoluments at the time of death

(b) If a member of the Service who has become eligible for gratuity or pension dies after he has retired from the Service, and the sums to which he had become entitled at the time of his death on account of such gratuity or pension together with the death-cum retirement gratuity granted under sub rule (1) and the commuted value of any portion of pension commuted by him are less than an amount equal to 12 times his emoluments, a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (2)

Note—The term emoluments occurring in this sub rule is in the case of members of the Service other than the members of the Indian Police Service who retired or died before 17th April, 1956, subject to a maximum of Rs. 1,800 per mensem and in the case of the latter is subject to a maximum of Rs. 1,500 per mensem

20 *Conditions for grant of retirement benefits*—(1) The full retirement benefits admissible under these rules shall not be given as a matter of course or unless the service has been thoroughly satisfactory

(2) If the service has not been thoroughly satisfactory, a reduction in the amount of retirement benefits otherwise admissible under these rules may be made by the Central Government on the recommendation of the State Government to such extent as the Central Government may deem appropriate.

Provided that the member of the Service shall along with such notice send a fresh nomination made in accordance with this rule

(b) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub rule (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule or sub-rule (5), a member of the Service shall send to his Accounts Officer a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with this rule

(8) Every nomination made and every notice of cancellation given by a member of the Service under this rule shall be sent by him to his Accounts Officer

(9) Every nomination made and every notice of cancellation given by a member of the Service shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer

22 Family Pension—(1) A family pension not exceeding the amount specified in sub-rule (3) may be granted to the family of a member of the Service in the event of his death after he had completed 20 years' qualifying service.

Provided that, in exceptional circumstances, the Central Government may also grant a family pension to the family of a member of the Service who may die after completing less than 20 years' qualifying service but not less than 10 years' qualifying service

(2) The total period for which a family pension may be paid shall be 10 years.

Provided that the period of payment of family pension shall in no case extend beyond a period of 5 years from the date on which the member of the Service actually retired, or on which he would have retired on superannuation pension in the normal course according as the death takes place after retirement or while the member of the Service was in service

Note—In the case of a member of the Service who dies while on extension of service the expression "date on which he would have retired on superannuation pension in the normal course" in the above proviso shall mean the date up to which extension of service had been sanctioned to him before his death

(3) Subject to the maximum of Rs. 150 per mensem the amount of family pension shall be—

(a) in the event of death while in service half the pension admissible to a member of the service had he retired on a superannuation pension on the date following the date of death,

may be sanctioned under sub rule (2) or clause (b) of sub-rule (3) of rule 19 and any gratuity, which having become admissible to him under rule 18, had not been paid to him before his death.

Provided that

- (i) if at the time of making the nomination, the member of the Service has a family, the nomination shall not be in favour of any person or persons other than the members of his family, and
- (ii) where the member of the Service has only one member in his family in whose favour the original nomination should be made the alternate nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons corporate or incorporate

(3) If a member of the Service nominates more than one person under sub rule (2), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole amount of death gratuity

(4) A member of the Service may provide in a nomination—

- (a) in respect of any specified nominee that in the event of his predeceasing the member of the Service the right conferred upon that nominee shall pass to such other person as may be specified in the nomination

Provided that if at the time of making the nomination, the member of the Service has a family consisting of more than one member, the person to be specified shall not be a person other than a member of his family, and

- (b) that the nomination shall become invalid in the event of the happening of a contingency specified therein

(5) The nomination made by a member of the Service who has no family at the time of making it, or a provision made in a nomination under clause (a) of sub-rule (4) by a member of the Service whose family consists, at the time of making the nomination, of only one member, shall become invalid in the event of the member of the Service subsequently acquiring a family or an additional member in the family, as the case may be

(6) Every nomination shall be in such one of the forms given in the Schedules D to G as may be appropriate in the circumstances of the case

(7) (a) A member of the Service may at any time cancel a nomination by sending a notice in writing to his Accounts Officer.

Explanation—The expression 'eldest surviving widow' shall be construed with reference to the seniority according to the date of the marriage with the member of the Service and not with reference to the ages of the surviving widows,

- (u) failing a widow or husband, as the case may be, to the eldest surviving son,
- (uu) failing (i) and (u) to the eldest surviving unmarried daughter,
- (vi) failing the above to the eldest widowed daughter, and
- (b) in the event of no family pension becoming payable under clause (a) family pension may be granted—
 - (i) to the father,
 - (ii) failing (i) above, to the mother,
 - (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of 18,
 - (iv) failing (i) to (ii) above to the eldest surviving unmarried sister,
 - (v) failing (i) to (ii) above, to the eldest surviving widow or sister

(7) If a member of the Service who has completed 10 years' service desires that any family pension that may be sanctioned under this rule should be payable to any member of his family in any order to be specified by him, he may make a nomination for the purpose in the form given in "Schedule H" indicating the order in which the family pension should be payable to the members of his family and to the extent that it is valid the family pension shall be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-rule (5) at the time of the grant of such pension. In case the person concerned does not satisfy the requirements of sub-rule (5), the family pension shall be granted to the person next lower in that order.

Note—The provisions of sub-clause (b) of sub-rule (7), sub-rule (8) and sub-rule (9) of rule 21 shall apply in respect of nominations made under this sub-rule also.

(8) (a) A family pension sanctioned under this rule shall not be payable to more than one member of the family of the member of the Service at the same time.

(b) If a family pension sanctioned under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (2) on account of the death or marriage of the recipient or other

- (b) in the event of death after retirement, half the pension sanctioned for him at the time of retirement

If, however, a member of the Service mentioned in clause (b) has commuted a part of his pension before his death, that part of pension shall be deducted from the family pension calculated as above

- (4) For the purpose of this rule—

"family" shall include the following relatives of the members of the Service —

- (i) Wife or husband
- (ii) sons,
- (iii) unmarried and widowed daughters,
- (iv) brothers below the age of 18 years, and unmarried or widowed sisters,
- (v) father, and
- (vi) mother

Note 1—Items (i) and (vi) will include step children

Note 2—An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the Solicitor to the State Government is satisfied that under the personal law of the member of the Service adoption is legally recognized as conferring the status of a natural child [G I M H Affairs Notification No. 29/7/70-A/S(II) dated 28th November 1962].

- (5) No family pension shall be payable under this rule—

- (a) to a person mentioned in clause (b) of sub-rule (6) without the production of reasonable proof that the person was dependent on the member of the Service for support,
- (b) to an unmarried woman member of the family of the member of the Service, in the event of her marriage;
- (c) to a widowed woman member of the family of the member of the Service, in the event of her remarriage,
- (d) to a brother of a member of the Service, on the former attaining the age of 18 years, and
- (e) to a person who is not a member of the family of the member of the Service

(6) Except as may otherwise be provided by a nomination under sub rule (7)—

- (a) a family pension under this rule shall be allowed—

- (i) to the eldest surviving widow if the deceased was a male member of the Service or to the husband if the deceased was a woman member of the Service,

Explanation—The expression 'eldest surviving widow' shall be construed with reference to the seniority according to the date of the marriage with the member of the Service and not with reference to the ages of the surviving widows,

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son,
- (iii) failing (i) and (ii) to the eldest surviving unmarried daughter,
- (iv) failing the above to the eldest widowed daughter, and
- (b) in the event of no family pension becoming payable under clause (a) family pension may be granted—
 - (i) to the father,
 - (ii) failing (i) above, to the mother,
 - (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of 18,
 - (iv) failing (i) to (ii) above, to the eldest surviving unmarried sister,
 - (v) failing (i) to (iv) above, to the eldest surviving widow or sister

(7) If a member of the Service who has completed 10 years' service desires that any family pension that may be sanctioned under this rule should be payable to any member of his family in any order to be specified by him, he may make a nomination for the purpose in the form given in "Schedule H" indicating the order in which the family pension should be payable to the members of his family and to the extent that it is valid the family pension shall be payable in accordance with such nomination, provided the persons concerned satisfy the requirements of sub-rule (5) at the time of the grant of such pension. In case the person concerned does not satisfy the requirements of sub-rule (5), the family pension shall be granted to the person next lower in that order.

Note—The provisions of sub-clause (b) of sub-rule (7), sub-rule (8) and sub-rule (a) of rule 21 shall apply in respect of nominations made under this sub-rule also.

(8) (a) A family pension sanctioned under this rule shall not be payable to more than one member of the family of the member of the Service at the same time.

(b) If a family pension sanctioned under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (2) on account of the death or marriage of the recipient or other

causes it shall be regranted for the unexpired portion of that period to a person next lower in the order shown in the nomination made under sub-rule (7) or in the absence of a nomination, to the person in the order mentioned in sub-rule (6), who satisfies the other provisions of this rule

(9) A family pension sanctioned under this rule shall be tenable in addition to any compensation or any extraordinary pension or gratuity that may be granted to the member of the pensioner's family under the existing Rules or Acts

(10) Future good conduct of the recipient is an implied condition of every grant of a family pension under this rule and the Central Government reserves to itself the right of withholding or withdrawing such pension or any part of it, if the recipient be convicted of serious crime or is guilty of grave misconduct and the Central Government's decision in the matter shall be final

23 *Emoluments for purposes of calculation of gratuity pension and death cum retirement gratuity*—(1) The term 'emoluments' used in these Rules shall be taken to mean the emoluments which the member of the Service was receiving immediately before his retirement or death as the case may be and shall include—

- (a) substantive pay other than pay drawn in a tenure post,
- (b) personal pay granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post,
- (c) special pay including that drawn in a tenure post, if—
 - (i) where the special pay is granted for a specific addition to work or responsibility, no post carrying such work or responsibility has been sanctioned, or
 - (ii) where it is allowed in respect of a temporary appointment outside the ordinary line, the temporary appointment is not of a like character to any of the existing permanent appointments.
- (d) one half of
 - (i) the difference between the substantive pay and the pay actually drawn in higher officiating or temporary appointments,
 - (ii) personal pay other than that referred to in clause (b) above
 - (iii) special pay other than that referred to in clause (c) above
 - (iv) the difference between the substantive pay and the pay actually drawn in higher tenure appointments whether held in substantive or officiating capacity,

- (c) such other pay or allowance which the Central Government may by general or special order classify as emoluments for the purpose of this rule

(2) *Omitted*

(3) The monetary allowance attached to the King's Police Medal and the Indian Police Medal shall not be treated as forming part of the emoluments of the recipient for the purposes of this rule

(4) The term 'average emoluments' means the average of the emoluments drawn during the last three years of service

Notes—(i) If during the last three years of his service, a member of the Service has been absent on leave with allowances or having been suspended has been reinstated without forfeiture of service, his emoluments for the purposes of ascertaining the average should be taken at what they would have been had he not been absent from the duty or suspended

(ii) If during the last three years of his service a member of the Service has been absent from duty on leave without allowances (not counting for pension) or suspended under such circumstances that the period so passed does not count as qualifying service the period of such leave or suspension shall be disregarded in the calculation of the average and equal period before the three years being included

(iii) In the case of a member of the Service who, while on leave preparatory to retirement, is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive emoluments in the higher post which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of his average emoluments

(iv) Except as provided in clauses (i), (ii) and (iii) above only emoluments actually received shall be included in the calculation. For example, where a member of the Service is allowed to count time retrospectively towards increase of pay but does not receive retrospectively the intermediate periodical increments these intermediate increments shall not be reckoned in the calculation of average emoluments.

(v) Periods of joining time which fall within the last three years of service of a member of the Service shall form part of the three years for the purpose of average emoluments

(vi) Where the emoluments of a member of the Service have been reduced during the last three years of his service otherwise than as a penalty, average emoluments may at the discretion of Government, be substituted for emoluments for the purpose of calculation of the gratuity or death-cum-retirement gratuity admissible under rule 18 or rule 19

24 *Deleted*

25 *Commutation of pension*—A member of the Service may commute his pension under such conditions and to such extent as may be prescribed by Regulations made in this behalf by the Central Government after consultation with the Governments of the States

26 *Acceptance of employment after retirement*—(1) A pensioner shall not accept any commercial employment before the

expiry of two years from the date of his retirement except with the previous sanction of the Central Government. No pension shall be payable to a pensioner who accepts a commercial employment without such sanction in respect of any period for which he is employed or for such longer period as the Central Government may determine.

Provided that a pensioner who has been permitted by the Central Government to take up a particular commercial employment during leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

Explanation—(1) Commercial employment means employment in any capacity including that of an agent under a company firm or individual engaged in trading commercial financial or professional business and includes a directorship of such company and a partnership in such firm but does not include employment under any corporation owned or controlled by the Government.

Explanation—(2) For the purpose of this sub rule the expression the date of retirement in relation to a pensioner re-employed after retirement without any break either in a Class I post under the Central Government or in an equivalent post under a State Government shall mean the date on which such pensioner finally ceases to be so re-employed in Government service.

(2) A pensioner shall not accept any employment under a Government outside India except with the previous sanction of the Central Government. No pension shall be payable to a pensioner who accepts such an employment without such sanction in respect of any period for which he is so employed or for such longer period as the Central Government may determine.

Provided that a pensioner who has been permitted by the Central Government to take up a particular employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for continuance in such employment.

Note— Employment under a Government outside India shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

27 *Anticipatory payments—(1)* Where a member of the Service is likely to retire before his pension can be finally assessed and settled in accordance with these rules the Accounts Officer shall sanction the disbursement to him of pension to which after the most careful summary investigation that the Accounts Officer can make without delay he believes the member of the

Service to be entitled, on the basis of his verified qualifying service, provided that such disbursements shall be made only after the declaration specified in Schedule 'I' has been signed by the retiring member of the Service

(2) If the Accounts Officer considers it likely that, in a case contemplated under sub rule (1), the member of the Service would be entitled to gratuity only, one sixth of the amount of gratuity which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the Service to be entitled shall, upon a similar declaration, be disbursed to him monthly until the amount is finally settled or for six months, whichever period is less

(3) The payment of the anticipatory pension or gratuity shall be so arranged that it is not delayed beyond the first day of the month following the month in which the member of the Service is due to retire

(4) If, upon the completion of regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference shall be adjusted in the first payment after such final settlement:

Provided that if a gratuity summarily assigned under sub-rule (2) proves to be larger than the amount finally settled, the retired member of the Service shall not be required to refund any excess actually paid to him unless otherwise decided by the State Government

(5) Subject to the general conditions prescribed above, the anticipatory payments of death cum retirement gratuity and family pension may also be sanctioned to the extent of $\frac{1}{3}$ th of the amounts clearly admissible on the basis of the qualifying service as verified up to the date of sanction, and after a declaration in the form given in Schedule 'I' has been signed by the recipient

28 *Miscellaneous*—(1) Retirement benefits under these rules shall be calculated to the nearest multiple of 5 naye Paise.

Provided that the retirement benefits in respect of a member of the Service who retired prior to the 1st April, 1957 shall be calculated to the nearest anna, that is where the exact amount works out to six pies or more, it shall be taken to the next higher anna, amounts below six pies being disregarded

(2) The retirement benefits under these rules shall be drawn in rupees in India only

(3) Applications for the grant of retirement benefits under these rules shall be made in such form as may be prescribed by the Central Government

(4) The sanction and payment of retirement benefits admissible under these rules shall be regulated by such procedural institutions as may be issued by the Central Government

(5) A pension under these rules shall be payable from the date on which the member of the Service quits service or from the date of his application for pension, whichever is later:

Provided that where satisfactory explanation is forthcoming for the delay in making an application for pension, the State Government may allow the pension to take effect from the date on which the member of the Service quits service

(6) The claim of a member of the Service to the retirement benefits shall be regulated by the rules in force at the time when the member of the Service resigns, retires or is retired or discharged from service or where the member of the Service dies while in service immediately before death

(7) The authorities competent to retire a member of the Service on different kinds of retirement benefits shall be those indicated in Schedule J

29 *Interpretation*—If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government whose decision thereon shall be final

30 *Repeal*—All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed

Government of India's Orders—It will be observed that these rules do not provide for consultation with the U.P.S.C., in regard to certain matters on which the Commission is consulted according to the existing convention. The intention is that these matters should continue to be governed by the existing practice and convention. Accordingly the Central Government will consult the U.P.S.C., before passing final orders under the All India Services (Death-cum Retirement Benefits) Rules 1958 in the case of the All India Services in respect of the following matters:

- (i) Withholding or withdrawing any pension or part of it, for a specified period or indefinitely under sub-rule (2) of rule 3
- (ii) Effecting recovery from pension under rule 6
- (iii) Extension of service for a period exceeding six months beyond the date of normal superannuation under clause (b) of the first provision to sub-rule (1) of rule 15
- (iv) Reduction in the amount of Retirement Benefits under sub-rule (2) of rule 10

[G.I. Ministry of Home Affairs Memo. No 1/4/55—AIS(III), dated the 24th August 1958]

SCHEDULE A
Gratuity or Pension

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in Rs per annum)
---	---------------------------------	--

(a) Gratuity.

1.	$\frac{1}{4}$ month's emoluments
2.	1 " "
3	$1\frac{1}{4}$ months' emoluments
4	2 " "
5.	$2\frac{1}{4}$ " "
6	3 " "
7.	$3\frac{1}{4}$ " "
8	4 " "
9.	$4\frac{1}{4}$ " "
10	$4\frac{1}{2}$ " "
11.	$5\frac{1}{4}$ " "
12	$5\frac{1}{2}$ " "
13.	$5\frac{3}{4}$ " "
14	$6\frac{1}{4}$ " "
15.	$6\frac{1}{2}$ " "
16	7 " "
17	$7\frac{1}{4}$ " "
18	$7\frac{1}{2}$ " "
19	$8\frac{1}{4}$ " "

(b) Pension

		2 700
	10 /80ths of average emoluments	2 835
20	$10\frac{1}{4}$ /80ths of " "	2,970
21.	11 /80ths of " "	3,105
22	$11\frac{1}{4}$ /80ths of " "	3,240
23.	12 /80ths of " "	3,375
24	$12\frac{1}{4}$ /80ths of " "	3,510
25	13 /80ths of " "	3,645
26	$13\frac{1}{4}$ /80ths of " "	3,780
27	14 /80ths of " "	3,915
28	$14\frac{1}{4}$ /80ths of " "	4,050
29	15 /80ths of " "	4,185
30	$15\frac{1}{4}$ /80ths of " "	4,320
31	16 /80ths of " "	4,455
32	$16\frac{1}{4}$ /80ths of " "	4,590
33	17 /80ths of " "	4,725
34	$17\frac{1}{4}$ /80ths of " "	4,860
35	18 /80ths of " "	4,995
36	$18\frac{1}{4}$ /80ths of " "	
37		

SCHEDULE A

Completed years of qualifying service	Scale of gratuity or pension	Maximum Pension (in Rs per annum)
38	19 /80ths of average emoluments	5,130
39	19½/80ths of " "	5,265
40	20 /80ths of " "	5,400
41	20½/80ths of " "	5,535
42	21 /80ths of " "	5,670
43	21½/80ths of " "	5,805
44	22 /80ths of " "	5,940
45	22½/80ths of " "	6,075
46	23 /80ths of " "	6,210
47	23½/80ths of " "	6,345
48	24 /80ths of " "	6,480
49	24½/80ths of " "	6,615
50	25 /80ths of " "	6,750
51	25½/80ths of " "	6,885
52	26 /80ths of " "	7,020
53	26½/80ths of " "	7,155
54	27 /80ths of " "	7,290
55	27½/80ths of " "	7,425
56	28 /80ths of " "	7,560
57	28½/80ths of " "	7,695
58	29 /80ths of " "	7,830
59	29½/80ths of " "	7,965
60	30 /80ths of " "	8,100

SCHEDULE B

Death-cum Retirement Gratuity

Completed six monthly periods of qualifying service	Scale of Death cum Retirement Gratuity	Maximum Death-cum Retirement Gratuity
1		
2		
3		
4		
5		
6		
7		
8		
9		4,500
10	5 times 10/20 of emoluments	4,950
11	5½ " " "	

Death cum Retirement Gratuity—Contd.

Completed six monthly periods of qualifying service	Scale of Death cum Retirement Gratuity	Maximum Death-cum- Retirement Gratuity
12 6 times 10/20 of emoluments		5,400
13 6½ " " "		5,850
14 7 " " "		6,300
15 7½ " " "		6,750
16 8 " " "		7,200
17 8½ " " "		7,650
18 9 " " "		8,100
19 9½ " " "		8,550
20 10 " " "		9,000
21 10½ " " "		9,450
22 11 " " "		9,900
23 11½ " " "		10,350
24 12 " " "		10,800
25 12½ " " "		11,250
26 13 " " "		11,700
27 13½ " " "		12,150
28 14 " " "		12,600
29 14½ " " "		13,050
30 15 " " "		13,500
31 15½ " " "		13,950
32 16 " " "		14,400
33 16½ " " "		14,850
34 17 " " "		15,300
35 17½ " " "		15,750
36 18 " " "		16,200
37 18½ " " "		16,650
38 19 " " "		17,100
39 19½ " " "		17,550
40 20 " " "		18,000
41 20½ " " "		18,450
42 21 " " "		18,900
43 21½ " " "		19,350
44 22 " " "		19,800
45 22½ " " "		20,250
46 23 " " "		20,700
47 23½ " " "		21,150
48 24 " " "		21,600
49 24½ " " "		22,050
50 25 " " "		22,500
51 25½ " " "		22,950
52 26 " " "		23,400
53 26½ " " "		23,850
54 27 " " "		24,300
and above		

Note—Annexures A and B have effect from the 22nd April 1960

SCHEDULE C

(a) Form of Medical Certificate in India

The form of the certificate to be given respecting a member of the Service in India is as follows :

Certified that we have carefully examined A B son of C D
holding the post of _____ under the Government
His age is by his own statement _____
years and by appearance about _____ years. We consider A B to be
completely and permanently incapacitated for further service of any kind in the
Indian Administrative Service/Indian Police Service in consequence of (here
state disease or cause) His incapacity does not appear to us to have been
caused by irregular or intemperate habits.

Note—(If the incapacity is obviously the result of intemperance substitute for the last sentence "In our opinion his incapacity is the result of irregular or intemperate habits.")

(If the incapacity does not appear to be complete and permanent the certificate should be modified accordingly and the following addition should be made) We are of opinion that A B is fit for further service of a less laborious character than that which he has been doing or may after resting for _____ months, be fit for further service of a less laborious character than that which he has been doing.)

(b) Form of Medical Certificate in countries outside India

The form of the medical certificate given by the Medical Board attached to the Indian Mission abroad in respect of a member of the Service in a station outside India is as follows

We have carefully examined A B. Taking into account all the facts of the case as well as the present condition we consider that A B, is permanently incapacitated for further service in India.

Note—(If the incapacity is obviously the result of intemperance add the following sentence at the end

"In our opinion his incapacity is the result of irregular or intemperate habits.")

SCHEDULE D

Nomination for Death-cum Retirement Gratuity

(When the member of the Service has a family and wishes to nominate one member thereof)

I hereby nominate the person mentioned below who is a member of my family and confer on him the right to receive any death-cum retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee,	Relationship with the member of the Service	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the member of the Service or the nominee dying after the death of the member of the Service but before receiving payment of the gratuity	Amount or share of gratuity payable to each*
------------------------------	---	-----	---	---	--

This nomination supersedes the nomination made by me earlier on which stands cancelled

Dated this _____ day of _____ 196
at _____

Witnesses to signature

1

Signature of the member of
Service

2

SCHEDULE E

Nomination for death cum Retirement Gratuity

(When the member of the Service has a family and wishes to nominate more than one member thereof)

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any death-cum retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death

Names and addresses of nominees	Relationship with the member of the Service	Age	Amount or Share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name address and relationship of the person or persons, if any, to whom the right conferred on nominees shall pass in the event of the nominee predeceasing the member of the Service or the nominee dying after the death of the member of the Service but before receiving payment of the gratuity	Amount or share of gratuity payable to each†
---------------------------------	---	-----	--	---	--	--

* Note 1.—This column should be filled in so as to cover the whole amount of gratuity

† Note 2.—The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominees

SCHEDULE G

Nomination for death cum Retirement Gratuity

(When the member of the Service has no family and wishes to nominate more than one person)

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any, death-cum retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death

Names and addresses of nominees	Relation ship with the member of the Service	Age	Amount or share of gratuity payable to each*	Contingen cies on the happening of which the nomina tion shall become invalid	Name address and relationship of the person or persons, if any to whom the right conferred on the nominees shall pass in the event of the nominees predeceasing the member of the Service or the nominee dying after the death of the member of the Service but before receiving payment of the gratuity	Amount or share of gratuity payable to each†
---------------------------------	--	-----	--	---	--	--

This nomination supersedes the nomination made by me earlier on which stands cancelled

N B —The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed

Dated this	Witnesses to signature	day of	196
1		Signature of the member of this Service	
2			

* Note 1 —This column should be filled in so as to cover the whole amount of gratuity

† Note 2 —The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominees

SCHEDULE H

Nomination for family Pension

I hereby nominate the persons mentioned below who are members of my family to receive in the order shown below the pension which may be granted by State Government in the event of my death after completion of 10 years' qualifying service

Name and address of nominee	Relationship with the member of the Service	Age	Whether married or unmarried
-----------------------------	---	-----	------------------------------

This nomination supersedes the nomination made by me earlier on which stands cancelled

N B —The Officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed

Dated this _____ day of _____ 196 ,

Witnesses to signature

1 _____ Signature of the member of the service

2

[GIMF Notification No 29/7/60 AISI dated the 31st December, 1962]

SCHEDULE I

Declaration Form

Whereas the _____ (here state the designation of the officer sanctioning the advance) has consented provisionally to advance to me the sum of Rs _____ a month/Rs _____ in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of gratuity/pension/death-cum retirement gratuity/family pension payable to me* (as the nominee/legal heir of Shri _____)

I hereby acknowledge that in accepting this advance I fully understand that any gratuity/pension/death-cum retirement gratuity/family pension payable to me is subject to revision on the completion of the necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional gratuity/pension/death-cum retirement gratuity/family pension now to be paid to me exceeds the gratuity/pension/death-cum retirement gratuity/family pension which may be finally sanctioned to me. I further promise to repay any amount advanced to me in excess of the gratuity/pension/death-cum retirement gratuity/family pension that may be finally sanctioned to me.

Signature

Designation (if a Government servant)

Station

Date

Witnesses to signature

(with address)

1

2

*Note —The words in brackets may be omitted where inapplicable

SCHEDULE 3

Authorities competent to retire a member of the Service on various kinds of retirement benefits

Nature of Retirement Benefits	Authority competent to retire
1	2
(i) Proportionate pension under rule 7 and death-cum retirement gratuity where admissible	Central Government
(ii) Invalid gratuity or pension under rule 13 and death-cum retirement gratuity where admissible	State Government after obtaining the concurrence of the Central Government
(iii) Superannuation gratuity or pension under rule 16 and death-cum retirement gratuity where admissible	State Government
(iv) Retiring pension under rule 17 and death-cum retirement gratuity	State Government after obtaining the concurrence of the Central Government
(v) Family Pension under rule 22 and death-cum retirement gratuity where admissible	State Government

APPENDIX VIII

ALL INDIA SERVICES (COMMUTATION OF PENSION) REGULATIONS, 1959

1. *Short title*—These regulations may be called the All India Services (Commutation of Pension) Regulations, 1959

2. *Definitions*—(1) In these regulations, unless the context otherwise requires—

- (a) 'the Government' means the Government on whose cadre the member of the Service was borne
- (b) 'Medical Board' means a medical board set up by the Government
- (c) 'Member of the Service' means a member of the Indian Administrative Service or the Indian Police Service, as the case may be
- (d) 'Retirement Benefits Rules' means the 'All India Services (Death-cum Retirement Benefits) Rules, 1958'

(2) All other words and expressions used in these Regulations but not defined shall have the meanings respectively assigned to them in the 'Retirement Benefits Rules.

* Refer to Appendix VIII

3 *Limit on commutation*—(1) A member of the service shall be entitled, subject to the provisions of these Regulations, to commute for a lump payment any portion not exceeding one third of the pension to which he was entitled under the Retirement Benefits Rules

(2) Such commutation shall be subject to the following conditions namely —

- (a) if the amount of annual pension is of Rs 2,057 or more, not less than Rs 1,714 shall remain uncommuted, and
- (b) if the amount of the annual pension is less than Rs 2,057, not more than Rs 343 shall be commuted, and not less than Rs 1,371 shall remain uncommuted,

Provided that in calculating the amount of annual pension for the purposes of clauses (a) and (b) of this sub regulation, there may be added to it the uncommuted portion of any permanent extraordinary pension granted to a member of the service.

4 *Commutation of anticipatory pension*—Subject to the provisions of these regulations, a member of the service shall be entitled to commute an anticipatory pension that may be granted to him under rule 27 of the Retirement Benefits Rules. The commuted value of such pension shall be paid to him only after obtaining from him a declaration in the form set forth in Schedule 'A' on page 75

5 *Application for Commutation*—(1) An application for commutation of pension shall be addressed to the Government. On receipt of an application for commutation of pension the Government shall transmit to the applicant a copy of the Accounts Officer's Certificate of the lump sum payable on commutation in the event of his being reported by a medical board to be a fit subject for commutation and shall at the same time instruct him to appear for examination before the medical board within three months of its order or if he has applied for commutation in advance of the date of his retirement, within three months of that date but in no case earlier than the actual date of retirement

(2) The intimation for medical examination shall constitute the administrative sanction to commutation but shall lapse if the medical examination does not take place within the period prescribed in the sanctioning order. If the applicant does not appear for examination before the said medical board within the prescribed period the Government may, at its discretion, renew the administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension

(3) The applicant may withdraw his application by a written notice to the Government at any time before the date of the medical examination:

Provided that if the medical board directs that his age for the purpose of commutation shall be assumed to be greater than the actual age, the applicant may withdraw application by written notice despatched within two weeks from the date on which he receives information of the revised sum payable on commutation or if the sum is already stated in the sanctioning order, within two weeks from the date on which he receives intimation of the finding of the medical board and if the applicant does not withdraw his application in writing within the period of two weeks prescribed above, he shall be assumed to have accepted the sum offered

(4) If the applicant requests within the prescribed period that the amount to be commuted might be reduced, this request is tantamount to a withdrawal of his application for commutation, such a request shall be treated as a new application

(5) Subject to the provision contained in regulation 8 and to the withdrawal of an application under the proviso to sub-regulation (3), the commutation shall become absolute, (i.e. the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue), on the date on which the medical board signs the medical certificate

Note—[A pensioner whose application for the commutation of a portion of his pension is expressed as a percentage or fraction of the total pension admissible to him and is allowed in the first instance to commute such percentage or fraction of his anticipatory or provisional pension shall, in event of his final pension being more than his anticipatory or provisional pension be allowed to commute a further sum without producing a fresh certificate of medical examination, so as to make the commuted amount equal to the specified percentage or fraction of the amount of pension as finally sanctioned. In such cases commutation as finally sanctioned shall also take effect from the date of the original commutation of the anticipatory or provisional pension and the amount of residual pension shall also be readjusted from the same date]

Government of India's Order—In accordance with the above Note, a pensioner who has expressed the amount proposed to be commuted in terms of fraction or percentage of the total pension admissible to him is allowed to commute a further sum without producing a fresh certificate of medical examination in the event of his final pension being more than his anticipatory or provisional pension. The applicant shall not be required to apply afresh for commutation of the difference between percentage or fraction of the final pension and the anticipatory or provisional pension. However as the commutation in such cases is payable in two instalments—one out of the anticipatory pension and the other after final assessment of pension the report from the Audit Officer will have to be called for in the prescribed form for commutation of pension twice. A fresh sanction of the administrative authority for the difference of the commuted value i.e. the maximum value accrued minus value commuted provisionally will also be necessary.

This is issued in consultation with the Ministry of Finance and Comptroller and Auditor General of India.

[G I M H Affairs Memo No 25/2/60-AIS(II) dated the 15th Sept 1960]

6 *Second medical examination*—Where a pensioner who applied for commutation has once been rejected on the recommendation of the medical board as not being a fit subject for commutation or after he has once declined to accept commutation on the basis of an addition of years to his actual age recommended by such board he may be allowed to present himself once more before a medical board for medical examination with a view to the revision of the original finding at his own cost provided that an interval of not less than one year shall elapse between the date of the first medical examination and the date of such subsequent examination. The medical board shall in such a case be furnished with a copy of the report of the medical board which had previously examined the pensioner.

7 (1) *Payment of commuted value*—Payment of the commuted value shall be made to the applicant as expeditiously as possible but in the case of a member of the service (hereinafter referred to as the impaired member) in whose case the medical board has directed that his age for the purposes of commutation shall be assumed to be greater than his actual age no payment shall be made until either a written acceptance of commutation has been received or the period within which the application for commutation may be withdrawn has expired. Whatever the date of actual payment the amount paid and the effect upon the pension shall be the same as if the commuted value were paid on the date on which the commutation became absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute the amount so drawn shall be deducted from the amount payable on commutation.

(2) The lump sum payable on commutation shall be calculated in the case of members of the service whose commutation of pension took effect before 1st February 1957 in accordance with table given in Schedule B(a) in the case of members of the service whose commutation of pension took effect during the period 1st February 1957 and 30th June 1959 in accordance with the table given in Schedule B(b) and in any other case in accordance with the table given in Schedule B(c).

Explanation—For the purpose of this Regulation the age in the case of the impaired member shall be assumed to be such age not being less than the actual age as the medical board may direct.

(3) In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which the commutation is due to become absolute payment shall be made in accordance with the modified table but it shall be open to the applicant if the modified table is less favourable to him than that

previously in force to withdraw his application by notice in writing despatched within fourteen days of the date on which he receives notice of the modification

(4) If the pensioner dies on or after the date on which the commutation became absolute but before receiving the commutation value, this value shall be paid to his legal heirs

8 *Cancellation of sanction for commutation in certain cases*—If the applicant makes any statement found to be false within his knowledge or wilfully suppresses any material fact in answer to any question, written or oral, put to him in connection with his medical examination the Government may cancel the sanction at any time before payment is actually made and such a statement or suppression may be treated as grave misconduct for the purpose of rule 3 of the Retirement Benefits Rules

9 *Miscellaneous*—(1) The sanction and payment of commuted value and matters incidental thereto shall be regulated by such procedural instructions as may be issued from time to time by the Central Government

(2) Application for commutation, administrative sanction and report of the medical board shall be made in such form as may be prescribed by the Central Government

(3) Any fees payable to the medical board for medical examination in connection with commutation of pension shall be borne by the member of the service desiring such commutation

SCHEDULE A

(Regulation 4)

FORM OF DECLARATION

Whereas the President of India through (here state the designation of the officer sanctioning the commutation) (hereinafter called the Government) has consented provisionally to advance to me the sum of Rs being the commuted value of a part of the anticipatory pension in anticipation of the completion of the enquiries necessary to enable the Government to find the amount of my pension and consequently the part of that pension that may be commuted I hereby acknowledge that in accepting the advance I am fully conversant that the commuted value now paid is subject to revision on the completion of the necessary formal enquiries and I have no objection to such revision and I am aware that the provisional amount now to be paid to me as the commuted value of the part of anticipatory pension may exceed the amount to which I may be eventually found entitled I further promise and undertake to refund and pay on demand any amount advanced to me in excess of the amount to which I may be eventually found entitled and in default the Government shall be at liberty to have the said excess amount realised from the subsequent pension payable to me

Witnesses to signature (with address)

1
2

Signature
Date
Station

SCHEDULE B
COMMUTATION TABLE

(a) Table in respect of members of Service whose Commutation of pension took effect before 1st February, 1957

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
18	22 79	44	16 07	70	6 35
19	22 60	45	15 73	71	6 03
20	22 40	46	15 37	72	5 71
21	22 20	47	15 01	73	5 42
22	21 99	48	14 64	74	5 12
23	21 79	49	14 27	75	4 84
24	21 57	50	13 90	76	4 57
25	21 35	51	13 51	77	4 31
26	21 13	52	13 13	78	4 06
27	20 90	53	12 74	79	3 83
28	20 66	54	12 34	80	3 61
29	20 42	55	11 95	81	3 40
30	20 18	56	11 55	82	3 21
31	19 93	57	11 15	83	3 03
32	19 67	58	10 76	84	2 88
33	19 41	59	10 36	85	2 75
34	19 14	60	9 97	86	2 63
35	18 86	61	9 58	87	2 51
36	18 58	62	9 20	88	2 39
37	18 29	63	8 82	89	2 28
38	17 99	64	8 45	90	2 17
39	17 69	65	8 08	91	2 05
40	17 38	66	7 72	92	1 93
41	17 07	67	7 37	93	1 79
42	16 74	68	7 02	94	1 62
43	16 41	69	6 68		

Note—This table is based on a rate of interest of 3 per cent per annum

(b) Table in respect of members whose commutation of pension took effect during the period 1st February, 1957 and 30th June, 1959

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
18	20 94	29	18 98	40	16 36
19	20 78	30	18 77	41	16 08
20	20 62	31	18 56	42	15 80
21	20 46	32	18 34	43	15 50
22	20 29	33	18 11	44	15 20
23	20 11	34	17 88	45	14 89
24	19 94	35	17 64	46	14 58
25	19 76	36	17 40	47	14 25
26	19 57	37	17 15	48	13 92
27	19 38	38	16 89	49	13 59
28	19 18	39	16 63	50	13 25

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
51	12 90	66	7 51	81	3 35
52	12 54	67	7 17	82	3 16
53	12 19	68	6 84	83	3 00
54	11 83	69	6 52	84	2 85
55	11 46	70	6 20	85	2 72
56	11 09	71	5 90	86	2 60
57	10 73	72	5 60	87	2 48
58	10 36	73	5 31	88	2 37
59	9 99	74	5 02	89	2 26
60	9 62	75	4 75	90	2 15
61	9 26	76	4 49	91	2 04
62	8 90	77	4 24	92	1 92
63	8 55	78	4 00	93	1 78
64	8 19	79	3 77	94	1 61
65	7 85	80	3 55		

Note—This table is based on a rate of interest of 3 5 per cent per annum

(c) Table in respect of members whose commutation of pension took effect from 1st July 1959—

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
17	21 77	40	16 74	63	8 64
18	21 61	41	16 45	64	8 28
19	21 44	42	16 15	65	7 93
20	21 26	43	15 84	66	7 58
21	21 09	44	15 52	67	7 24
22	20 91	45	15 20	68	6 91
23	20 72	46	14 87	69	6 58
24	20 53	47	14 53	70	6 26
25	20 33	48	14 19	71	5 95
26	20 13	49	13 84	72	5 64
27	19 93	50	13 49	73	5 35
28	19 72	51	13 13	74	5 06
29	19 50	52	12 77	75	4 79
30	19 28	53	12 40	76	4 52
31	19 06	54	12 03	77	4 27
32	18 83	55	11 65	78	4 02
33	18 59	56	11 27	79	3 79
34	18 35	57	10 89	80	3 57
35	18 10	58	10 50	81	3 37
36	17 84	59	10 12	82	3 18
37	17 58	60	9 74	83	3 01
38	17 31	61	9 37	84	2 86
39	17 03	62	9 00	85	2 73

This table is based on a rate of interest of 3 5 per cent per annum

TABLE

(c) Table in respect of members whose commutation of pens on took from 1st April, 1962—

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
17	21 19	40	16 80	63	9 17
18	21 07	41	16 52	64	8 82
19	20 95	42	16 23	65	8 47
20	20 82	43	15 94	66	8 12
21	20 68	44	15 64	67	7 78
22	20 54	45	15 33	68	7 45
23	20 40	46	15 02	69	7 11
24	20 24	47	14 70	70	6 79
25	20 08	48	14 38	71	6 47
26	19 92	49	14 05	72	6 16
27	19 75	50	13 72	73	5 86
28	19 57	51	13 39	74	5 57
29	19 38	52	13 05	75	5 28
30	19 18	53	12 70	76	5 01
31	18 98	54	12 36	77	4 74
32	18 77	55	12 01	78	4 48
33	18 55	56	11 65	79	4 24
34	18 32	57	11 30	80	4 00
35	18 09	58	10 95	81	3 78
36	17 85	59	10 59	82	3 57
37	17 60	60	10 23	83	3 36
38	17 34	61	9 88	84	3 17
39	17 08	62	9 52	85	2 99

[G I M F Memo No F (19) E V (c)/61 dated the 5th April 1962]

APPENDIX IX

SUPERIOR CIVIL SERVICES (EXTRAORDINARY PENSION) RULES, 1936

SECTION I—PRELIMINARY

Title, Commencement and Application

1 (1) These rules may be called the Superior Civil Services (Extraordinary Pension) Rules, 1936

(2) They shall come into force on the 1st April 1936

2 These rules shall apply to all persons other than military officers serving with a Frontier Corps, the Malabar Special Police, the Eastern Frontier Rifles or the Assam Rifles to whom the Civil Services (Classification Control and Appeal) Rules apply, in respect of whose pensions the power to make rules is under those Rules reserved to the Secretary of State in Council:

Provided that a Military Officer serving with a Frontier Corps, the Malabar Special Police, the Eastern Frontier Rifles or the Assam Rifles on the 31st December 1942, may elect to continue to be governed by these rules

Note—This option should be exercised within six months from the 26th August, 1947

[G I F D, O M No F 5(2) R II/43, dated the 26th August 1947 file PN 17 1/47 48]

Definitions

3 In these rules, unless there is anything repugnant in the subject or context —

(1) Accident means—

- (i) a sudden and unavoidable mishap, or
- (ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service

(2) Disease means.—

- (a) Venereal disease or septicaemia where such disease or septicaemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a *post mortem* examination in the course of that duty,
- (b) disease solely and directly attributable to an accident,
- (c) disease definitely attributable to, or aggravated by service in a civil capacity with a military, Naval or Air Force, or with a civil or military police force if the Government certifies that such force was engaged in operations analogous to military operations, if the Government servant dies while in service or is invalided from civil service as a result of such disease,
- (d) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties

(3) Injury means bodily injury resulting from violence, accident or disease assessed by a medical board as being not less than very severe and likely to be permanent

Note—Examples of injuries of certain categories to which these rules relate are given in Schedule III

(4) Government means:—

- (a) the Government of a Governor's Province in respect of persons under the administrative control of such Government,
- (b) the Governor-General in Council in respect of other persons

(5) Pay means pay as defined in rule 9(21) of the Fundamental Rules

(6) *Risk of office* means any risk, not being a special risk, of accident or disease in which a Government servant is exposed in the course of and as a consequence of his duties but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations, or incidents of Government service

(7) *Special risk* means —

- (1) a risk of suffering injury by violence,
- (2) a risk of injury by accident to which a Government servant is exposed in the course of, and as a consequence of the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office,
- (3) a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicaemic patient or conducting a post-mortem examination in pursuance of that duty.

(8) Violence means the act of a person who inflicts an injury on a Government servant,

- (a) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or
- (b) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or
- (c) because of his official position

General Rules

4 Nothing in these rules shall be deemed to derogate from any rules in force for the time being relating to ordinary pensions in so far as such rules are applicable and are not inconsistent with these rules

5 Notwithstanding anything contained in these rules no decision to withhold withdraw or reduce an award or to make an award of an amount less than the maximum admissible thereunder shall be made save with the consent of the Secretary of State in Council

6 The sterling amount of any award under these rules based on the figures in Schedule I or II shall be paid if the person to whom payment is made is residing on the date of payment in a country where the rupee is not legal tender and in other case the rupee amount shall be paid

7 If the Government is in doubt as to the interpretation of any of these rules or as to whether a case comes within the purview of these rules or as to which rule is applicable in a particular case or in the event of a disagreement on any of these points between the Government and the Auditor General, the matter shall be referred to the Secretary of State in Council whose decision shall be final

8 The Secretary of State in Council may make an award —

- (1) in circumstances not covered by the terms of these rules, or
- (2) exceeding in amount or differing in kind from the award admissible under these rules

9 (1) Notwithstanding anything contained in these rules if a Government servant sustains injury or is killed or dies of injuries received by his own default or as the result in a material degree of his own contributory negligence or in other circumstances such that the Government consider that an award should not be made or that the amount thereof should be reduced, any award to which a title is otherwise conferred by these rules may with the sanction of the Secretary of State in Council be withheld or reduced

(2) Wherever in these Rules it is provided that an authority may at its discretion make an award or fix the amount of an award such discretion shall subject to any other relevant provisions in these rules be exercised with reference to the character and service of the Government servant of the nature of the risk and his conduct in connection therewith and in the case of an injury award, the severity of the injury and its probable effect on his future life and career

10 If in any case the Government is satisfied that it is impracticable to obtain the report of a medical board as to the severity of an injury, it may at its discretion accept in lieu thereof the report of any medical practitioner or other reliable evidence as to the severity of such injury

SECTION II—INJURY AWARDS

General Rules

11 For the purpose of the rules in this section an injury due to disease shall be deemed to have been sustained on the date on which the medical board reports or such earlier date as may be fixed by the Government, due regard being had to such opinion as the medical board may express as to the date from which the Government servant was incapacitated

12 Any award in respect of an injury due to violence or accident to which a title is otherwise conferred by the rules in this section may be withheld if the Government servant first applies for an award more than 5 years after the injury was sustained

13 Notwithstanding anything contained in rule 18, 19 and 20, if, as the result of delay on the part of a Government servant in submitting his application for an injury pension, the first medical report under these rules on an injury, other than an injury due to disease, is completed after the lapse of a year from the date on which the injury was sustained, any pension awarded shall have effect from such date not being later than the date of the medical board's report as the Secretary of State in Council may fix

14 (1) An injury pension or gratuity shall be drawn by a Government servant whether he continues in Government service or not

(2) Any injury pension shall continue to be drawn by a retired Government servant during any period of re-employment, and shall not be taken into account when the pay of the Government servant during re-employment is fixed

15 Notwithstanding anything contained in rules 18, 19 and 20, a temporary injury pension may at the discretion of the Government be converted into a permanent injury pension—

- (1) when a Government servant is invalided out of service on account of the injury in respect of which the temporary pension was awarded, or
- (2) when the temporary pension has been drawn for not less than five years, or
- (3) at any time, if the Standing Medical Board, if any, at the headquarters of the Govt, the India Office Me

dical Board, or such other medical board as may be approved in this behalf by the Government in any particular case, states that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement

16 If a Government servant is permanently incapacitated for Government service by an injury in respect of which an injury pension or gratuity is granted under these rules, he shall be granted on retirement in addition to such pension or gratuity any other pension or gratuity for which he is eligible under other rules for the time being in force provided that if his total qualifying service makes him eligible for an invalid gratuity and not for an invalid pension, he may at his option exchange his invalid gratuity for a pension calculated as follows —

- (1) If he is a member of the Indian Civil Service, at the rate of £30 a year for each completed year of active service, including any period of service rendered with the consent of Government in circumstances justifying his presence with a military force in either a civil or military capacity
- (2) If he is not a member of the Indian Civil Service, at the rate of one sixtieth of his average emoluments for the last three years, for each completed year of service for pension including any period of service rendered with the consent of Government in circumstances justifying his presence with a military force in either a civil or military capacity

17 An application for the commutation of a permanent injury pension awarded under these rules shall be dealt with in accordance with the provisions of the Civil Pensions (Commutation) Rules

Gratuities and Pensions

18 If a Government servant sustains injury as the result of violence by a terrorist anarchist or fanatic awards shall be made by the Government as follows

- (1) if the injury has resulted in the permanent loss of an eye or a limb —
 - (a) a gratuity of the applicable amount specified in Schedule I, and
 - (b) with effect from the date following the expiry of one year from the date of the injury, a permanent pension of the applicable amount specified for a higher scale pension in that Schedule.

- (2) if the injury is certified by the Medical Board to be equivalent in respect of the degree of disablement which it causes, to the loss of a limb —
 - (a) a gratuity of the applicable amount specified in Schedule I, and
 - (b) on the expiry of one year from the date on which the injury was sustained, on the report of a Medical Board to be made at interval of a year—
 - (i) if the Board reports that the injury continues to be equivalent to the loss of a limb, a temporary pension of the applicable amount specified for a higher scale pension in Schedule I,
 - (ii) if the Board reports that the injury has ceased to be equivalent to the loss of a limb, but is still very severe, a temporary pension of the applicable amount specified for a higher scale pension in Schedule I,
- (3) if the injury has resulted in the permanent loss of, or of the use of an eye and a limb or of more than one eye or limb, an additional gratuity or pension, at the discretion of the Government of such amount, not exceeding the maximum prescribed for the loss of one eye or one limb, as the Government may fix,
- (4) if the injury is certified by a Medical Board not to be equivalent to the loss of a limb but to be very severe —
 - (a) a gratuity of the applicable amount specified in Schedule I if the Medical Board certifies that the Government servant is likely to be unfit for service for a year, or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year and
 - (b) on the expiry of the period in respect of which the gratuity was awarded a temporary pension of the applicable amount specified for a lower scale pension in Schedule I if the Medical Board from year to year certified that the injury is still very severe,
- (5) if the injury is certified by the Medical Board to be severe and likely to be permanent but not very severe, a gratuity calculated in accordance with sub clause (a) of clause 4

19 I If a Government servant sustains an injury as the result of violence inflicted by a person not being a terrorist, anar

chist or fanatic or of accident or disease suffered as a result of a special risk awards shall be made by the Government as follows —

- (i) if the injury has resulted in the permanent loss of an eye or a limb with effect from the date of the injury a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule I for a lower scale pension and shall not be less than half that amount
- (ii) if the injury is certified by the Medical Board to be equivalent in respect of the degree of disablement it causes to the loss of a limb or to be very severe—
 - (a) for a period of one year with effect from the date on which the injury was sustained a temporary pension the amount of which shall not exceed the applicable amount specified in Schedule I for a lower scale pension and shall not be less than half of that amount and thereafter
 - (b) a pension within the limits specified in sub clause (a) if the Medical Board from year to year certifies that the injury continues to be very severe
- (iii) if the injury is certified by the Medical Board to be severe and likely to be permanent but not very severe, a gratuity the amount of which shall not exceed the amount of a gratuity calculated in accordance with sub clause (a) of clause (4) of rule 18 and shall not be less than half that amount

II If a Government servant sustains an injury to which sub rule I applies as the result of violence inflicted by rebels or rioters or in closely analogous circumstances in the course of the performance of his official duties or while on flying duty or while performing a journey by air under proper authority he may be awarded by the Secretary of State in Council at his discretion in lieu of any amount admissible under this rule the amount admissible under rule 18

20 If a Government servant sustains an injury through accident or disease suffered as result of a risk of office an award may be made by the Government at its discretion of an amount not exceeding the maximum amount admissible under sub rule 1 of rule 19 and otherwise in accordance with the provisions of that sub rule

Provided that if such injury is one to which clause (i) or clause (ii) of that sub rule applies the Government may award in lieu of a pension a gratuity the amount of which shall not ex

ceed the maximum amount admissible under clause (iii) of that sub rule

Provided further that if a pension is awarded for injury due to disease of the nature specified in sub clause (c) of clause (2) of rule 3 it shall be sanctioned with effect from a date not earlier than that on which the officer is invalided

21 If in any case a pension awarded under rule 18 or 20 to a person who continues in the service of Government is less than the maximum amount admissible it may in exceptional circumstances and with the sanction of the Secretary of State in Council be increased on the retirement of such person

SECTION III—FAMILY AWARDS

General Rules

22 (1) Any award to which a title is otherwise conferred by the rules in this section may with the sanction of the Secretary of State in Council be withheld in whole or in part if death occurred more than 7 years—

- (a) after the injury due to violence or accident was sustained or
- (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died

(2) Save with the sanction of the Secretary of State in Council and at such rates and subject to such conditions as he may direct a pension or gratuity shall not be awarded to a widow who at the time of her husband's death was separated from her husband under a decree of judicial separation or an enforceable decree to live apart

(3) An award shall not be made of a pension or gratuity to the widow or of a pension or educational allowance to the children of the widow if—

- (a) the widow married the Government servant—
 - (i) after he was injured if death was due to violence or accident or
 - (ii) after he was first medically reported as unfit for duty on account of the disease of which he died
- (b) the Government servant died of disease within one year after his marriage and the Government is not satisfied that he was not suffering from the disease which caused his death at the time of his marriage

23 A Family pension shall have effect—

- (1) if an application is submitted within one year of the date of the officer's death from the day after his death,
- (2) in other cases from such date as the Secretary of State in Council may decide

24 A child's pension is admissible—

- (1) to a boy under the age of 18 years until he attains that age and
- (2) to an unmarried girl under the age of 21 years until she attains that age or marries, whichever happens first

Provided that a pension is admissible to a married girl who is an Indian if she is under the age of 16 years and has not left her own family to live with her husband

Provided further that a pension awarded to an unmarried girl who is an Indian shall not cease by reason of her marriage until she leaves her own family to live with her husband or attains the age of 16 years whichever happens first

Provided further that if a child—

- (a) is affected with a mental or bodily infirmity which renders him or her incapable of earning his or her own living and is in necessitous circumstances, or
- (b) is an apprentice earning not more than nominal wages or is being educated at a secondary school, technical school or University

the child's pension may be awarded or continued by the Secretary of State in Council at his discretion despite the fact that the child has attained an age which would otherwise render the award or continuance of the pension inadmissible

25 Any award made under rule 33 or rule 34 shall be subject to review in the event of an improvement in the pecuniary circumstances of the pensioner and the Government at its discretion may direct that any award under rule 29 or rule 32 shall also be subject to review in such event

26 The pension of a widow shall cease on remarriage but in the event of her again becoming a widow the Government if satisfied that she is in necessitous circumstances may at its discretion restore the pension in whole or part

Gratuities or Pensions

27 If a Government servant is killed or dies of injuries received as the result of violence by terrorist anarchist or fanatical

tic, the Government shall award to his widow and his children if any, a gratuity and pensions of the applicable amount specified in Schedule II

28 If a Government servant is killed or dies of injuries received as the result of violence by a person not being a terrorist, anarchist or fanatic, or of accident or disease suffered as a result of a special risk, the Government shall award to his widow and his children, if any, pensions of the applicable amounts specified in Schedule II

29 (1) If a Government servant is killed or dies of injuries received as the result of accident or disease suffered as a result of a risk of office, the Government at its discretion may award to his widow a pension or a gratuity the amount of which shall not exceed the applicable amounts specified in Schedule II, and to his children if any, pensions the amounts of which shall not exceed the applicable amount specified in that Schedule

(2) In any case which falls to be dealt with under this rule, the Government may at its discretion, before deciding whether a pension should be granted, or fixing the amount of any pension to be granted, call for and take into consideration a report as to the pecuniary circumstances of the family

30 If a pension is awarded by a Government under the provisions of rule 28 to the widow of a Government servant who is killed or dies of injuries received as the result of violence while in actual conflict with rebels or rioters, or in closely analogous circumstances in the course of the performance of his official duties or to the widow of a Government servant who is killed or dies of injuries received while on flying duty, or while performing a journey on duty by air under proper authority, a gratuity of such amount as he may think fit may be awarded by the Secretary of State in Council at his discretion in addition to such pension

31 If a Government servant leaves more than one lawful widow, any widows' pension or gratuity awarded shall be divided equally between them

32 (1) If the Government is satisfied that the family of a deceased Government servant who was killed or died of injuries received in any of the circumstances described in rules 27, 28 and 29 is in pecuniary need, an education allowance not exceeding Rs 500 or £37 a year for each child, as the case may be, commencing at the age of 8 and ceasing at the age of 18 may be awarded by the Government at its discretion in addition to any pension awarded to such child under any of those rules

(2) Such education allowance may be granted or extended by the Secretary of State in Council at his discretion after the age of 18 years when the education of the child is being continued at a secondary school, technical school or university

33 (1) If the Government is satisfied that the parent or parents of a deceased Government servant are in pecuniary need and were largely dependent on him for support and there exists at the time of his death no widow or child eligible for a pension, a pension to such parent or to such parents jointly—

(a) shall be awarded by the Government if the Government servant was killed or died of injuries received in the circumstances described in rule 27

(b) may, at the discretion of the Government be awarded if he was killed or died of injuries received in rule 28 or rule 29

(2) A pension awarded under sub-rule (1) shall not exceed—

(i) if the parent, or one of the parents has attained the age of 65 or is seriously incapacitated by ill health, three quarters of the applicable amount of widow's pension specified in Schedule II, and

(ii) otherwise, one half of such amount:

Provided that a pension to the award of which clause (ii) applies may at the discretion of the Government be increased by one half on the parent or one of the parents, attaining the age of 65 or becoming seriously incapacitated by ill health

(3) The pension of a parent who re-marries shall cease from the date of re-marriage

34 If neither widow, child nor parent survives, a deceased Government servant but he leaves minor brothers or sisters who were largely dependent on him for support and the Government is satisfied that they are in pecuniary need, the Government, subject to the provisions of rule 24,

(1) shall if death occurred in the circumstances described in rule 27, and

(2) may, at its discretion if death occurred in the circumstances described in rule 28 or rule 29, award to such minor brothers and sisters collectively a pension the total amount of which shall not exceed half the applicable amount of widows' pension specified in Schedule II, and each such minor brother or sister's share of which shall not exceed Rs. 320 or £24 per annum as the case may be

tic, the Government shall award to his widow and his children if any, a gratuity and pensions of the applicable amount specified in Schedule II

28 If a Government servant is killed or dies of injuries received as the result of violence by a person not being a terrorist, anarchist or fanatic, or of accident or disease suffered as a result of a special risk the Government shall award to his widow and his children, if any, pensions of the applicable amounts specified in Schedule II

29 (1) If a Government servant is killed or dies of injuries received as the result of accident or disease suffered as a result of a risk of office the Government at its discretion may award to his widow a pension or a gratuity the amount of which shall not exceed the applicable amounts specified in Schedule II, and to his children if any, pensions the amounts of which shall not exceed the applicable amount specified in that Schedule

(2) In any case which falls to be dealt with under this rule, the Government may at its discretion before deciding whether a pension should be granted or fixing the amount of any pension to be granted call for and take into consideration a report as to the pecuniary circumstances of the family

30 If a pension is awarded by a Government under the provisions of rule 28 to the widow of a Government servant who is killed or dies of injuries received as the result of violence while in actual conflict with rebels or rioters or in closely analogous circumstances in the course of the performance of his official duties or to the widow of a Government servant who is killed or dies of injuries received while on flying duty, or while performing a journey on duty by air under proper authority a gratuity of such amount as he may think fit may be awarded by the Secretary of State in Council at his discretion in addition to such pension

31 If a Government servant leaves more than one lawful widow, any widows' pension or gratuity awarded shall be divided equally between them .

32 (1) If the Government is satisfied that the family of a deceased Government servant who was killed or died of injuries received in any of the circumstances described in rules 27, 28 and 29 is in pecuniary need an education allowance not exceeding Rs 500 or £37 a year for each child, as the case may be, commencing at the age of 8 and ceasing at the age of 18 may be awarded by the Government at its discretion in addition to any pension awarded to such child under any of those rules

of an officer should consider whether there is, *prima facie*, a case for an award to such officer and if it concludes that such a case exists, it should subject to the provisions of rule 10 of the Superior Civil Services (Extraordinary Pension) Rules, direct that the report of a Medical Board as to the severity of the injury, in the form prescribed in Rule 7 of these regulations shall be obtained

(3) If the report shows that the injury is not less than very severe, or severe and likely to be permanent the Government before making an award should direct that a formal enquiry into the circumstances in which the injury was sustained shall be held immediately

(4) Notwithstanding anything contained in sub rules (1), (2) and (3) of this rule, if an authority subordinate to the Government is of the opinion that in any particular case undue delay will be caused if the directions of the Government are obtained, such subordinate authority may itself obtain a report as to the severity of the injury and hold a formal enquiry into the circumstances in which injury was sustained. The case should then be reported in full detail to the Government who, at their discretion may accept the information so applied as the basis on which the making of an award shall be considered

39 (1) A Government on receiving the report of the death of a Government servant should consider whether there is *prima facie*, a case for an award under the Superior Civil Services (Extraordinary Pension) Rules to the family of the deceased Government servant and if it concludes that such a case exists the Government—

- (i) (a) should obtain a medical report as to his death, or
- (b) may accept reliable evidence as to the actual occurrence of death if the Government servant lost his life in circumstances such that a medical report cannot be secured, and

(ii) should direct —

- (a) that a formal enquiry into the circumstances in which death occurred shall be held immediately and
- (b) that evidence as to the relationship to the deceased Government servant of the person or persons to whom it is proposed to make an award shall be taken

(2) Notwithstanding anything contained in sub-rule (1) if an authority subordinate to the Government is of the opinion that in any particular case undue delay will be caused if the directions of the Government are obtained such subordinate authority may itself obtain a medical report or reliable evidence of death as the

Note—The instructions contained in Government of India Finance Department Confidential letter No F 17 XIII R II/29, dated 9th August 1929, No F 5 XIV R II/31, dated 1st September 1931, and No F 5 XXVI R II/32 dated 19th September 1932, will also apply to cases falling under Rules 33 and 34

[G I F D Confidl letter No F 5(2) R II/36, dated 21st August 1937]

SECTION IV—CIVIL GOVERNMENT SERVANTS SERVING WITH MILITARY FORCES

Injury and Family Awards

35 (1) If a Government servant serving officially in a civil capacity with a military force sustains injury as the result of enemy action, the Government shall make such awards as would be admissible if the injury had been sustained in the circumstances described in rule 18

(2) If a Government servant serving as aforesaid is killed or dies of injuries received as the result of enemy action, the Government shall make such awards as would be admissible if death had occurred in the circumstances described in rule 27

(3) If a Government servant serving as aforesaid sustains injury or is killed or dies of injuries received otherwise than as a result of enemy action, the grant of any award and its amount shall be settled in accordance with the applicable rules in Schedule I, II and III

SECTION V—PROCEDURE FOR THE AWARD OF EXTRAORDINARY PENSIONS

36 In respect of matters of procedure, all awards under the Superior Civil Services (Extraordinary Pension) Rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these regulations

37 A report, with copies of relevant medical documents, should be submitted to the Secretary of State in respect of every award made under the Superior Civil Services (Extraordinary Pension) Rules

38 (1) A Government servant who considers that he has suffered injury in circumstances justifying an award under the Superior Civil Services (Extraordinary Pension) Rules should submit an application forthwith for examination by a Medical Board, which application should be forwarded through the usual channel to the Government

(2) Even if no application for examination by a Medical Board is received the Government, on receiving the report of the injury

Statement of case

(See Rule 40 of the Rules)

- 1 Name of the deceased
- 2 Service to which the deceased belonged
- 3 Date of death
- 4 Circumstances in which death occurred
- 5 Post held at the time of death
- 6 Pay at the time of death
- 7 Names and ages of the surviving kindred —

Name

Date of birth by
Christian era

(i) Widow (or Widows)

(ii) Sons

(iii) Daughters

(iv) Father

(v) Mother

(vi) Minor brothers

(vii) Minor sisters

8 Date of application

9 Proposed awards

10 Rule under which the awards are proposed

11 Date of commencement of the proposed pension (or pensions)

12 Place of payment

[G I F D No F 5(1) R II/40 dated the 1st January 1940 case P N
19 1/39 40]

41 A child's pension shall be paid—

- (1) if the child is the child of the deceased Government servant to the widow if alive unless another person has been appointed legal guardian in which case and also in the event of the widow's death it shall be paid to the legal guardian
- (2) if the child is the brother or sister of the deceased Government servant to the legal guardian

42 The form below should be used by Medical Boards when

case may be, hold a formal enquiry, and take evidence of relationship. The case shall then be reported in full detail to the Government who at their discretion may accept the information so supplied as the basis on which the making of an award shall be considered.

40 When a Government has decided that an award under the Superior Civil Services (Extraordinary Pension) Rules must or may, be made and under which rule it will fall, the papers, with a statement of the case and of the amount or amounts, which it is proposed to award in such form as may be prescribed by the Auditor General should be forwarded to the audit authority for a report as to whether the award is admissible under the rules and as to the correctness of the amount or amounts payable provided that if in any case all the information necessary for the completion of that form cannot, in the opinion of the Government, be obtained without undue delay being caused, the audit authority should furnish a report based on such information as is available.

[Refer to Government of India's orders No. (1) and (2) below Article 725 C.S.R. Vol. I]

Note—The following two forms have been prescribed by the Auditor General of India under the above rule—

Injury Award under the Superior Civil Services (Extraordinary Pension) Rules 1936

Statement of case

(See Rule 40 of the Rules)

- 1 Name of the Government servant
- 2 Name of the service to which the Government servant belongs
- 3 Date on which the injury was sustained
- 4 Nature and degree of the injury
- 5 (a) Whether the injury was due to violence, accident or disease
- (b) Circumstances in which the injury was sustained
- 6 Post held on the date of injury
- 7 Pay on the date of injury
- 8 Date of application
- 9 Proposed gratuity
- 10 Proposed pension (Permanent or temporary)
- 11 Rule under which the award is proposed
- 12 Date of commencement of the proposed pension
- 13 Place of payment

[Family awards under the Superior Civil Services (Extraordinary Pension) Rules 1936]

	As to first injury	As to second injury (if any)	As to third injury (if any)
6 If the answer to (5) is yes —			
(a) is the injury likely to be permanent			
(b) and if no for what total period from the date of the injury has the Government servant been or is he likely to be unfit for duty?			
7 *If the answer to (2) was yes in the first instance—			
(a) are the effects of the in- jury still equivalent to the loss of a limb and if not			
(b) are they very severe?			
8 If the answer to (3) was yes in the first instance are the effects of the injury still very severe?			
9 If the answers to the ques- tions above are in the nega- tive the injury should be classified here as severe but not likely to be perma- nent, or slight and per- manent or in some other terms			

*Instructions to be observed by the Medical Board
preparing the report*

1 The Medical Board before recording their opinion should invariably consult the proceedings of previous medical boards if any, as also all previous medical documents connected with the Government servant brought before them for examination

2 If the injuries be more than one they should be numbered and described separately and should it be considered that for instance though only severe or slight in themselves they represent together the equivalent of a single very severe injury such an opinion may be expressed in the columns provided

3 In answering the question in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's unsupported statements and the medical and documentary evidence available

* For use in the case of subsequent Medical Boards in cases of renewal of award

reporting on injuries —

PROCEEDINGS OF MEDICAL BOARD

CONFIDENTIAL

Proceedings of a Medical Board assembled by order of
for the purpose of examining and reporting
on the present state of the
injury sustained by
disease contracted by
at (place of injury etc.)
on the (date of injury etc.)

(a) State briefly the circumstances under which the injury
disease

was sustained
contracted

(b) What is the Government servant's present condition?

(c) Is the Government servant's present condition wholly
due to the injury ,
disease

If not state what other causes it is attributable?

(d) In the case of disease from which date does it appear that
the Government servant has been incapacitated?

The opinion of the Board upon the questions below is as
follows —

	As to first injury	As to second injury (if any)	As to third injury (if any)
1 Has the Government servant lost an eye or a limb?			
2 If the answer to (1) is in the negative is the injury equivalent to the loss of a limb?			
3 If the answers to (1) and (2) are in the negative is the injury very severe?			
4 If the answer to (3) is yes for what total period from the date of injury has the Government servant been or is he likely to be unfit for duty?			
5 If the answers to (1) (2) (3) are in the negative is the injury severe?			

SCHEDULE III

[Rule 3(3)]

Equal to loss of limb—

Hemiplegia without aphasia

Permanent use of tracheotomy tube

Artificial anus.

Total deafness of both ears

Very severe—

Complete unilateral facial paralysis likely to be permanent

Lesion of kidney ureter or bladder

Compound fractures (except phalanges)

Such gross destruction of soft parts as to lead to permanent disability or loss of function.

Severe and likely to be permanent—

Ankylosis of or considerable restriction in the movements of one of the following joints —

knee elbow shoulder hip ankle temporo maxillary or rigidity of the dorsolumbar or Cervical sections of the spine

Partial loss of vision of one eye

Destruction or loss of one testicle

Retention of foreign bodies not causing permanent or serious symptoms

ANNEXURE

EXPLANATORY MEMORANDUM ON DRAFT SUPERIOR SERVICES
(EXTRAORDINARY PENSION) RULES

Rule 1 No comment

Rule 2 This takes the place of Article 728(a) Civil Service Regulations It is intended to provide for civilians serving in a military capacity with a military force in the military regulations for railway personnel by separate rules and for civilians under the Army Department and officials of the classes mentioned in part (a) of the table in Article 740 Civil Service Regulations by executive orders

Rule 3 Sub-rule (1)—This is a new rule The definition would cover the case of an officer injured as the result of the derailment of a locomotive carrying him on inspection duty over a

4 The Board will not express any opinion either to the Government servant examined, or in their report, as to whether he is entitled to compensation or as to the amount of it nor will it inform the Government servant how the injury has been classified

SCHEDULE I

Injury Gratuities and Pensions

Pay of Government servant	Gratuity		Annual pens on Higher scale		Annual pens on Lower scale	
	Rs	£	Rs	£	Rs	£
Rs 2 500 and over	15 000	1 125	4 700	352	4 000	300
Rs 2 000 but under 2 500	8 000	600	4 000	300	3 400	255
Rs 1 500 but under Rs 2 000	6 000	450	4 000	300	3 400	255
Rs 900 but under Rs 1 500	4 000	300	2 700	202	2 000	150
Rs 700 but under Rs 900	3 400	255	1 400	105	1 400	105
Rs 450 but under Rs 700	1 900	142	1 400	105	1 400	105
Less than Rs 450	1 400	105	1 400	105	1 400	105

SCHEDULE II

Family Gratuities and Pensions

A—WIDOWS

Pay of Government servant	Gratuity		Annual pens on	
	Rs	£	Rs	£
Rs 2 500 and over	13 500	1 012	4 400	300
Rs 2 000 but under Rs 2 500	8 000	600	2 700	202
Rs 1 500 but under Rs 2 000	6 000	450	2 400	180
Rs 900 but under Rs 1 500	4 000	300	1 900	142
Rs 700 but under Rs 900	2 700	202	1 400	105
Rs 450 but under Rs 700	2 000	150	1 400	105
Less than Rs 450	1 400	105	1 400	105

Note.—For the purpose of calculating awards the pay of an officer is that which he was drawing on the date on which he was killed or injured

B—CHILDREN

	Annual child's pension	
	Rs.	£
If child is motherless	550	41
If child is not motherless	320	24

"violence" 'Risks of office' are broadly those risks in respect of which it is expedient that the Government should retain in clear terms right to exercise their discretion in the matter of making awards. The definition excludes common risks of a kind to which a private citizen pursuing his normal vocation at the same time and place would be equally liable. It would exclude for instance cases of officers killed in ordinary accidents to vehicles or by the accidental discharge of fire arms.

Sub rule (7)—In the main, this definition covers risks of the kind to which Articles 746 B and 746 BB relate. The object of this definition and that of what has been termed a 'Risk of Office' is to distinguish between the types of circumstances in which awards should be mandatory and those in which they should be discretionary. If an 'injury' is suffered as the consequence of a "special risk" then an award must be made.

The risk of infection from venereal and septicaemic patients has in the past been treated as an "extraordinary bodily risk" and as there can be little doubt that in such a case an award would seldom if ever, be refused, even if it were discretionary the Government of India are of the opinion that this risk can suitably be classed as a 'Special risk'.

Sub-rule (8)—This is new. The definition covers all acts of violence in any form, suffered by an officer in his official, as distinguished from his private and personal capacity, and excludes all others such, for instance as acts of private revenge. The rule follows the lines on which cases of this type have been decided in the past.

Rule 4—This is meant to cover various provisions in the Civil Service Regulations with which it is not considered necessary to encumber these rules e.g., Article 351.

Rule 5—This is a new provision which is discussed in the letter to which this is an enclosure.

Rule 6—This is new. The reasons for the rule are discussed in the letter to which this is an enclosure.

Rule 7—This replaces the provision regarding the interpretation of rules in Article 4, Civil Service Regulations.

Rule 8—This rule reserves complete discretion to the Secretary of State in Council.

Rule 9, Sub-rule(1)—This rule provides a general safeguard which is necessary in view of the mandatory character of some of the draft rules. It covers the first part of Article 730 Civil Service Regulations and parts of Article 746 E, Civil Service Regulations, paragraph 757, Army Regulations, India, Volume I and paragraph 688 of the Royal Warrant.

flooded area, but not if the derailment occurred on an ordinary train journey.

In every case of accident as here defined the question as to whether it falls to be dealt with under the rules will depend on whether it is covered either by the definition of a "special risk" or of a "risk of officer".

Sub-rule (2).—The existing provisions in Chapter XXXVIII, Civil Service Regulations, in respect of disease are in Article 741-A and the note below Article 746-B, Articles 743 and 747 can be ignored for the purposes of these rules.

Clause (a) is taken from the note under Article 746-B, Civil Service Regulations, subject to the substitution of the words "attendance on" for "the performance of operations, on". The reference to post-mortem examinations is new.

Clause (b).—This provision is new. It seems a reasonable extension of the definition of an "accident".

Clause (c).—This definition has reference primarily to the class of case now covered by Article 741-A, Civil Service Regulations, but it covers officers who die as well as those who are invalided. This seems to the Government of India to be a logical extension of the existing rule.

Again, it appears to the Government of India to be only reasonable that service with a civil or military police force engaged on operations analogous to military operations should, for the purpose of this definition, be classed with service with an actual military force.

As in the case of accidents, a case of disease as here defined has to satisfy either the definition of a "special risk" or "a risk of officer" before it falls to be dealt with under these rules.

Sub-rule (3) and Note thereunder.—This is new. It seems desirable that officer should have some idea, by means of examples, of the meaning in these rules of the terms "very severe", "severe and likely to be permanent", etc.

Sub-rule (4).—This is new, and its effect is that, subject to rule 5, awards within the provisions of the rules will be made by Provincial Governments in respect of officers serving under them, and by the Governor-General's Council in respect of Officers serving under the Government of India and minor Local Governments.

Sub-rule (5).—This is new. It is discussed in the letter in which this is an enclosure.

Sub-rule (6).—This covers, in the main, risks of the type for which at present Article 746-D provides, other than risks of

Rule 17—This is a redraft of Article 737, Civil Service Regulations, so far as injury pensions are concerned. Article 737, Civil Service Regulations, is so worded that it might be read as covering the commutation of family pensions. It is doubtful whether this was intended when the rule was framed, and in practice the rule appears not to have been used in this way. While some local Governments see no harm in allowing the commutation of dependants' pensions at the discretion of the sanctioning authority, others object on various grounds. It is understood that the India office are not in favour of such a provision, and none has been made in these draft rules. The objections to the proposal outweigh the arguments in its favour.

Rule 18—The rule as a whole describes the awards which have to be made in the class of cases of injury in which both the making of the award and its amount are mandatory, in accordance with the decision of the Secretary of State in Council, communicated in the Indian Office letter No. F 411633 Financial dated the 9th August 1933.

Sub-Rule (1) is taken from paragraphs 748-749, Army Regulations, India, Volume I.

Sub rule (2) is taken from paragraph 752 and the first two sentences of paragraph 753, Army Regulations India, Volume I, and also covers the words "the use of a limb" in paragraph 748.

Sub Rule (3) is taken from paragraph 751, Army Regulations India, Volume I. It seems desirable to leave the amount of an additional award for more than one injury of the class in question to the discretion of the sanctioning authority.

Sub Rule (4), clause (a) is taken from paragraph 754, and clause (b) from paragraph 755, Army Regulations, India Volume I.

Sub rule (5) is new, and is designed to fill an obvious need in the rules.

Minor changes of substance have been made in this rule as compared with the rules in Army Regulations India, Volume I, in order to remedy certain obvious defects in those rules in their application to a civilian. The Government of India do not consider it necessary to provide that "very severe" injuries should also be "likely to be permanent" in order to qualify officers for the awards prescribed for such injuries under this rule, or under rule 19 and 20.

Rule 19—This rule deals with awards in the class of cases of injury in which the making of an award is mandatory but the amount can be varied within limits.

Sub rule I is derived from paragraphs 757-758, Army Regulations, India, Volume I.

Sub rule (2)—This rule covers the first sentence of Article 746 E Civil Service Regulations portions of paragraph 757, Army Regulations India Volume I, 1915 and part of the second sentence of paragraph 695 of the Royal Warrant 1931. The reference to pecuniary circumstances in Article 746 E, Civil Service Regulations has been omitted as in the revised rules this condition is not of general application separate provision having been made for it where necessary.

Rule 10—This is new. Cases have occurred in the past where difficulties have arisen over the matter of reports by medical boards.

Rule 11—This is a new rule. It is not necessary to specify a date so far as any disease falling within the definition in clause (c) of rule 3(2) is concerned since in such a case invalidment is a pre-condition for the grant of an award and the award will normally be granted with effect from the date of invalidment.

Rule 12—This is derived from paragraph 750 and the first half of paragraph 763, Army Regulations India Volume I, 1915. No such provision is necessary in respect of cases of disease. In 1916 when the wound and other extraordinary pensions rule were under revision the Government of India proposed to impose a time limit of 5 years but the Committee appointed by the India Office thought it unnecessary to specify such a limit and there is therefore no corresponding provision in Chapter XXXVIII Civil Service Regulations. The Government of India consider that a limit of time is necessary now that awards in certain circumstances are to be mandatory.

Rule 13—This takes the place of Article 732 Civil Service Regulations so far as injury pensions are concerned and the second half of paragraph 763, Army Regulations India Volume 1915.

Rule 14—Sub-rule (1)—This is a new rule and it represents the actual practice followed in the matter in the past.

Sub rule (2)—This represents Article 510 B Civil Service Regulations.

Rule 15—These are provisions on the lines of clause (2) in paragraphs 753, 755 and 757, Army Regulations, India Volume I. It is obviously desirable that local Governments should be enabled to put an end of annual medical boards in the circumstances stated in the rule.

Rule 16—This represents Article 738, Civil Service Regulations.

Royal Warrant The military rule has now been altered to provide that pensions shall be payable to girls upto the age of 18 only instead of 21. For the reasons given in their letter No 1/F/488/34-Ests, dated the 3rd January 1935, the Government of India are of the opinion, that the age limit of 21 years should be retained in these rules. The chief considerations which have influenced the Government of India are that, while the present day opportunities for employment in England may remove any need for differentiation between the sexes in that country, the same cannot be said of conditions in India, that nothing whatever has occurred which would justify a deliberalization of the rule in this respect, and that any such modification would be strongly resented by the services.

Local Governments, who were specifically consulted on this point, are unanimously in favour of retention of the existing rule as regards the age limit for girls. The first proviso to clause (2) is based on the Note under Article 742 (ii) (d), Civil Service Regulations.

Rule 25—Although there is nothing on the subject in the Civil Service Regulations or the Royal Warrant, awards in certain circumstances are of course subject to modification in the light of an annual review of the pecuniary circumstances of the recipient, in accordance with confidential instructions on the subject which have been issued from time to time. Draft rule 25 deals with the question of such annual reviews to the extent that they are considered necessary. For the present the Government of India propose that the existing means, tests and the forms prescribed in this connection should remain in force.

Rule 26—This is derived from paragraph 703 of the Royal Warrant 1931, and the first sentence of Article 741, Civil Service Regulations.

Rule 27—Covers the same ground in respect of family awards as does rule 18 in respect of injury awards. It is derived from paragraphs 685, 686, 687 and the first part of paragraph 690 of the Royal Warrant 1931, and the Secretary of State's ruling with regard to awards to the victims of terrorist outrages.

Rule 28—Covers the same ground in respect of family awards as does rule 19(1) in respect of injury awards. It is derived from paragraphs 685, 686 and the first part of paragraph 690 of the Royal Warrant, 1931. It will be observed that no gratuities are admissible under this rule.

Whereas under rule 19, the actual amounts to be awarded are discretionary within prescribed limits, in this rule it is proposed, in accordance with past practice, to provide for the award of fixed amounts. While there are varying degrees of injury to which an award can be related, there are no varying degrees of death.

For a case to qualify for an award under this rule it must satisfy the tests imposed in the definition of "violence", "accident" and "disease", and so far as accidents are concerned, the further test imposed in the second clause of the definition of a "Special Risk". Moreover, all awards are subject to the general safeguard in rule 9(1) as to default, negligence etc.

Minima have been prescribed in order to make the mandatory character of the rule effective.

Sub-rule II—This, so far as air accidents are concerned, is derived from paragraph 759, Army Regulations, India, Volume I. For the rest, the rule provides for the making of awards on the more liberal scale admissible under rule 18 at the discretion of the Secretary of State in Council in circumstances of a kind in which he has on occasion in the past made awards on the "in action" scale prescribed in paragraphs 748-749, Army Regulations, India, Volume I.

Rule 20—This rule deals with awards in the class of cases of injury in which the making of an award and the amount are both discretionary. It represents in the main, Articles 746-D and E, Civil Service Regulations. It also links up with clause (e) of rule 3(2) and is meant to cover the same ground as Article 741-A, Civil Service Regulations, but it provides for awards to officers of the class for whom that article enters on the same scales and based in the same classification of injuries as for other injured officers. No reference has been made in the rule to the pecuniary circumstances of the claimant on the lines of that in Article 746 E, Civil Service Regulations, because it is considered unnecessary, and experience has shown that enquiries on this point are resented. The first proviso regarding gratuities, is new, there might be cases where it is considered desirable to make an award of some sort but not so expensive an award as a pension.

Rule 21—This is taken from the last sentence of paragraph 757, Army Regulations, India Volume I.

Rule 22—This rule represents the more important provisions in paragraphs 695-696 of the Royal Warrant, 1931, not covered elsewhere in the draft rules. The time limit imposed is necessary in view of the mandatory provisions in the revised rules, vide comments on draft rule 12.

Rule 23—This represents Article 732, Civil Service Regulations, so far as family pensions are concerned, and paragraph 701, Royal Warrant 1931.

Rule 24—Clauses (1) and (2) are taken from Article 741, Civil Service Regulations, read with paragraphs 704-707 of the

force, are concerned. The words "Serving officially", which appear to be all that is really necessary, have been substituted for the contents of the first and second sentences of Article 739, Civil Service Regulations. The Government of India do not consider it necessary to complicate matters by including a reference on the lines of that in Article 740, Civil Service Regulations, to military rank assigned or assignable by rule in the field. It is most unlikely that any civilians to whom these rules apply will in future serve in a civil capacity with a military force in such circumstances that an award on the basis of military rank assignable in the field under the old rules would be more favourable than an award under the new, and somewhat more liberal rules, and in the unlikely event of such a case arising it could be dealt with under rule 8. It can reasonably be presumed that an officer serving in civil capacity with military force will not draw less pay than he would have drawn in his ordinary civil post.

It will be observed that the mandatory principle is extended in this rule to awards in cases where injury or death is the result of enemy action, and that, for the rest, provision is made for the same awards as are admissible in normal circumstances.

The last sentence of Article 739, Civil Service Regulations, is covered by draft rule 7. Article 741, Civil Service Regulations, is covered by draft rules 24 and 26 and Article 741-A, by clause (c) of sub rule (2) of rule 3 and rule 20. Articles 742 and 743, Civil Service Regulations, of course, find no place in these rules.

Schedules I and II —The figures in these schedules are derived from those in paragraphs 748, 749 and 757, Army Regulations, India, Volume I, 1915, and paragraphs 685 (read with paragraphs 686), 687 and 690 of the Royal Warrant 1931, subject to modifications which are discussed in the letter to which this memorandum is an enclosure.

Schedule III —These are the "examples" referred to in the comments on sub rule (3) of draft rule 3. The list has been compiled by the Director General, Indian Medical Service.

Explanatory memorandum on Procedure Rules

SECTION V

Rule 36 —This regulation supplements rule 4 of the main rules, and will cover rules such as those in Articles 944, 954 and 972, Civil Service Regulations.

Rule 37 —Under Articles 734 and 735, Civil Service Regulations, awards in certain types of cases have at present to be reported to the Secretary of State. The Secretary of State might

Rule 29 Sub Rule (I)—This sub rule covers the same ground *in respect of family awards as does rule 20 in respect of injury awards*. It covers the grant of awards in the event of the death of an officer as the result of disease attributable to or aggravated by service in a civil capacity with a military force and this as already remarked in the comments against rule 3(2) (c) seems to be a logical extension of the existing provision in Article 741 A. The reference to gratuities has been inserted in order to provide for cases where it is desired to make an award of some sort but not so expensive an award as a pension.

Sub rule 2—This takes the place of the reference in Article 746 E Civil Service Regulations to the pecuniary circumstances of the family.

Rule 30—This rule is a natural sequence to sub rule 11 of rule 19 read with rule 20 and it covers the provision in paragraph 688 of the Royal warrant 1931.

Rule 31.—This is a new rule the necessity for which is self evident.

Rule 32 is based on the last two sentences of paragraph 690 of the Royal Warrant 1931. Provision has been made in rules 27 and 28 for the mandatory award of children's pensions in certain circumstances but the Government of India do not consider it necessary to provide that the award of education allowances also should be mandatory. The remarks in the last sentence of paragraph 11 (1) (a) of the letter in which this is an enclosure apply here.

Rule 33 is taken from paragraphs 711 and 712 of the Royal Warrant 1931 read with the first sentence of paragraph 6(viii) of the Secretary of State's Despatch No 17 Mily dated the 15th May 1924 and the Secretary of State's ruling with regard to awards in cases of death due to terrorism.

A possible objection to the mandatory provisions in this rule is that a sanctioning authority could evade its obligation by refusing to be satisfied that the parents are in pecuniary need. This is a position however which must be faced. Local Governments who were consulted on this point do not anticipate that any trouble will result from this feature.

Rule 34 is taken from paragraph 713 of the Royal warrant 1931. The remarks against Rule 33 about mandatory provision apply equally here.

Rule 35 is taken from Article 739 and part A of Section II of Chapter XXXVIII Civil Service Regulations so far as civil officers who are members of the Services to whom these draft Rules relate and who are serving in a civil capacity with a military

1937 the rules in Chapter XXXVIII Civil Service Regulations with such modifications as may be considered necessary to remove certain anomalies

[GIFD No F 5 (15) R II/37 dated the 9th October 1937 case PN 17 1/37 38]

APPENDIX X

CENTRAL CIVIL SERVICES (EXTRAORDINARY PENSION) RULES

1 These rules may be called the Central Civil Service (Extraordinary Pension) Rules

2 These rules shall apply to all persons paid from civil estimates other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923) applies whether their appointment is permanent or temporary on time scales of pay or fixed pay or piece work rates who are under the rule making control of the Governor General and

who entered or enter service under the Central Government on or after the 1st April, 1937, or

who having entered such service before the 1st April 1937 did not hold a lien or a suspended lien on a permanent post on that date

Note—[No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under UN bodies on or after 1st January 1958 and who is allowed to join the UN Joint Staff Pension Fund as an Associate Member]

Government of India's orders

(1) The grant of a family and/or the death cum retirement gratuity to the dependants of a deceased Government servant under Liberalised Pension Rules in the last Appendix does not affect the pension admissible under these rules

[GIMF No F 6(a) EV/53 dated the 22nd April 1953]

(2) Dearness Pay should be taken into account for the purpose of calculating awards to Government servants injured or killed on or after the 15th July 1952

[GIMF No F 6(30) EV/54 dated the 11th November 1954]

(3) These rules do not apply to honorary service

[GIMF UO No 4854 EV/48 dated the 29th July 1948]

3 For the purpose of these rules unless there is anything repugnant in the subject or context—

(1) *accident* means—

(i) a sudden and unavoidable mishap or

with advantage be informed, in future all awards made to officers under his rule-making control or to their families

Rule 38—This takes the place, in respect of injury awards, of Articles 746 (2) and 746-A, Civil Service Regulations. Certain changes have been introduced which do not call for detailed explanation. The provision in Article 746-A, (a) (ii) with regard to pecuniary circumstances has been omitted as it seems unnecessary in cases of injury awards. Sub-rule (4) is designed primarily to obviate delay in cases where injury occurs in a remote locality. The reference in Article 746 (2) to the report of the audit officer is covered by Regulation 5.

Rule 39, takes the place, in respect of family awards, of Article 746 (2) and 746-A, Civil Service Regulations. Here again most of the changes do not call for detailed explanation. No provision is made for the submission of a formal application because a dependant cannot reasonably be expected to be aware of the rules of Government in a matter of this sort.

The reference in Article 746 A (a) (ii) to pecuniary circumstances has been omitted as it is not the intention to institute enquiries on this point in all cases, and provision has been made for such enquiries in the main rules where necessary. Sub-rule (2) has been inserted for the same reason as sub rule (4) in the preceding rule.

The reference in Article 746 (2) to the report of the audit officer is covered by procedure rule 40.

Rule 40—As stated above, this replaces the reference in Article 746 (2) of the report of the audit officer.

Rule 41.—This is a new provision which it seems to the Government of India expedient to include.

Rule 42.—No special form is prescribed in Chapter XXXVIII of the Civil Service Regulations for a medical board's report, but in practice Army Form A-45 A is used for the purpose. The form in this procedure rule is modelled largely on the Army Form, and has been framed in consultation with the Director General, Indian Medical Service.

[G.I.F.D. No. F 5(2) R II/36 dated 28th the January, 1936.]

Note 1—It is open to the Government concerned if it so thinks fit, even in cases where it is proposed to award a gratuity instead of a pension under rule 29 of the Superior Civil Services (Extraordinary Pension) Rules to call for and take into consideration a report as to the pecuniary circumstances of the family.

[G.I.F.D. No. F 5(2) R II/36, dated 28th January 1937, case PN 17 2/37 38.]

Note 2.—The Central Government have decided not to frame for members of service under the rule-making control of the Governor General in Council any rules similar to the Superior Civil Services (Extraordinary Pension) Rules, 1936, but to continue to apply to Government servants appointed before 1st April

conditions in India, unless such risk is indefinitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service

Note—[The term risk of office shall include the risk of death or injury to which a Government servant is exposed where he attends on a working day, or is required to attend on a holiday, the place of his employment for the performance of his duties during any riot or civil commotion in the town, city or village concerned including any suburban areas contiguous thereto and while proceeding from his residence to the place of his employment or vice versa, he comes a victim of the said riot or civil commotion.]

(7) "*Special risk*" means—

(i) a risk of suffering injury by violence,

(ii) a risk of injury by accident to which a Government servant is exposed in the course of, and as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office,

(iii) a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicæmic patient or conducting a post mortem examination in pursuance of that duty

(8) "*violence*" means the act of person who inflicts an injury on a Government servant— :

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such or

(iii) because of his official position

4 No award shall be made under these rules except with the sanction of the Governor General. In making an award the Governor General may take into consideration the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed

Note—[The Comptroller and Auditor General of India, shall be competent to exercise powers in cases falling clearly and strictly within these rules in respect of persons serving in the Indian Audit and Account Department.]

5 Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force,

- (ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service,
- (2) 'date of injury' means—
- (i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the Governor General may fix, and
 - (ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the Governor General with due regard to the opinion of the Medical Board,
- (3) 'disease' means—
- (i) venereal disease or septicaemia where such disease or septicaemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post mortem examination in the course of that duty, or
 - (ii) disease solely and directly attributable to an accident, or
 - (iii) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties,
- (4) 'injury' means bodily injury resulting from violence, accident or disease assessed by a Medical Board as being not less than severe

Note — [Examples of injuries of certain categories are given in Schedule I]

- (5) 'Pay' means the pay as defined in Rule 9 (21) of the Fundamental Rules, which a person was drawing on the date of his death or injury.

Provided that in the case of a person remunerated by piece work rates, pay means the average earnings of the last six months ending with the date of his death or injury

- (6) "risk of office" means any risk, not being a special risk, of accident or disease to which a Government servant is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern

- (ii) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule II of a higher scale pension and shall not be less than half that amount

(2) If a Government servant sustains an injury which falls within Class B of rule 8 he shall be awarded —

- (i) if the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature a permanent pension with effect from the date of the injury of an amount which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount

(ii) in other cases —

- (a) for a period of one year with effect from the date of the injury a temporary pension the amount of which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount and thereafter
- (b) a pension within the limit specified in sub-clause (a) if the medical board from year to year certified that the injury continues to be very severe

(3) If a Government servant sustains an injury which falls within Class C of rule 8 he shall be awarded a gratuity of the applicable amount specified in Schedule II if the medical board certifies that the Government servant is likely to be unfit for service for a year or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year

Provided that in case where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb the Governor General may award if he thinks fit in lieu of the gratuity a pension not exceeding the amount admissible under clause (ii) of sub-rule (2) of this rule

(4) A temporary pension awarded under this rule may be converted into a permanent injury pension —

- (i) when the Government servant is invalided out of the service on account of the injury in respect of which the temporary pension was awarded or
- (ii) when the temporary pension has been drawn for not less than five years or
- (iii) at any time if the medical board certifies that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement

and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service

6 No award shall be made in respect of—

- (i) an injury sustained more than five years before the date of application or
- (ii) death which occurred more than seven years (a) after the injury due to violence or accident was sustained or (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died

7 All awards under these rules shall be made in India in rupees unless the payee resides permanently and desires payment to be made in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid in sterling at the exchange rate of 1s 6d to the rupee

8 For the purpose of these rules injuries shall be classified as follows —

Clause A—Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature

Class B—Injuries caused as a result of special risk of office and equivalent in respect of the degree of disablement which they cause to the loss of a limb or are very severe or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature

Class C—Injuries caused as a result of special risk of office which are severe but not very severe and likely to be permanent or injuries caused as a result of risk of office which are equivalent in respect of the degree of disablement which they cause to the loss of a limb or which are very severe and likely to be permanent

9 (1) If a Government servant sustains an injury which falls within *Class A* of rule 8 he shall be awarded —

- (a) a gratuity of the applicable amount specified in Schedule II and
- (b) with effect from the date following the expiry of one year from the date of the injury
 - (i) if the injury has resulted in the permanent loss of more than one limb or one eye a permanent pension of the applicable amount specified in Schedule II for a higher scale pension and

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a 'child who is not motherless'.

(2) Any award made under sub rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the Governor General (President) may by order prescribe

Note—[If any of the widow children father, mother, minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him such person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.]

12 (1) A family pension will take effect from the day following the death of the Government servant or from such other date as the Governor General (President) may decide

(2) A family pension will ordinarily be tenable.—

- (i) in the case of a widow or mother until death or re marriage, whichever occurs earlier,
- (ii) in the case of minor son or minor brothers, until he attains the age of 18,
- (iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of 21, whichever occurs earlier.
- (iv) in the case of a father, life

Note—[The family pension of a widow will cease on re marriage but when such re marriage is annulled by divorce desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.]

13 (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules

(2) All awards involving expenditure chargeable to British revenues shall be reported by the Administrative Department without delay to the Secretary of State

(3) When an award is made in India to a Government servant of non-Asiatic domicile the Administrative Department shall inform the Secretary of State in order that a grant of a like nature may not be made by an authority in the United Kingdom in respect of the same casualty

(4) When a claim for any injury pension or gratuity or family pension arises, the head of the office or of the Department in which the injured, or the deceased, Government servant was em

10 Award shall be made to the widow and children of a Government servant as follows —

- (i) if a Government servant is killed or dies of injury received as a result of *special risk of office*
 - (a) a gratuity of the applicable amount specified in Schedule III and
 - (b) a pension the amount of which shall not exceed the applicable amount specified in Schedule III
- (ii) if the Government servant is killed or dies of injuries received as a result of *risk of office* a pension the amount of which shall not exceed the applicable amount specified in Schedule III

Provided that if the pay of the deceased Government servant was less than Rs 200 the monthly pension or the sum of pensions that may be granted under this rule shall not irrespective of the rates (including the minimum limits) specified in Schedule III exceed the limit of one half of his pay and if in any case the sum of such pensions calculated under Schedule III exceeds the limit of one half of his pay such a *pro rata* reduction shall be made in the amount of each individual pension as will reduce the sum to such limit

Note —[In the event of a Government servant leaving behind two or more lawful widows the pension or gratuity admissible under this rule to the widow shall be divided equally among all the widows. If however any of the widows is totally denied any share in the property of the Government servant under a will or deed made by him such widow shall be ineligible to receive any award and shall not be taken into account for the purpose of these rules]

In the event of a Government servant leaving behind only one widow who is totally denied any share in the property of the Government servant under a will or deed made by him she shall be ineligible to receive any award under these rules and in the event of her having no children rule 11 shall apply]

Government of India's order

The proviso to this rule comes into operation only at the time of announcing the compensation of the amount of pension and cannot be revised again to bring the total to the maximum limit

[C.M.F.U.O. No 3622 EV/50 dated the 6th June 1950]

11 (I) If the deceased Government servant has left neither a widow nor a child an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother to minor brothers and sisters individually or collectively if they were largely dependent on the Government servant for support and are in pecuniary need

Provided that the total amount of the awards shall not exceed one half of the pension that would have been admissible to the widow under rule 10

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a "child who is not motherless".

(2) Any award made under sub rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the Governor General (President) may by order prescribe

Note —[If any of the widow children father, mother, minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him, such person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.]

12 (1) A family pension will take effect from the day following the death of the Government servant or from such other date as the Governor General (President) may decide

(2) A family pension will ordinarily be tenable —

- (i) in the case of a widow or mother until death or re marriage, whichever occurs earlier,
- (ii) in the case of minor son, or minor brothers, until he attains the age of 18,
- (iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of 21, whichever occurs earlier,
- (iv) in the case of a father, life

Note —[The family pension of a widow will cease on re marriage but when such re marriage is annulled by divorce desertion or death of the second husband her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.]

13 (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules

(2) All awards involving expenditure chargeable to British revenues shall be reported by the Administrative Department without delay to the Secretary of State

(3) When an award is made in India to a Government servant of non Asiatic domicile, the Administrative Department shall inform the Secretary of State in order that a grant of a like nature may not be made by an authority in the United Kingdom in respect of the same casualty

(4) When a claim for any injury pension or gratuity or family pension arises, the head of the office or of the Department in which the injured, or the deceased, Government servant was em

played will forward the claim through the usual channel to the Government of India with the following documents —

- (i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred
- (ii) The application for injury pension or gratuity in Form A or as the case may be, the application for family pension in Form B of the Forms set forth in Schedule IV
- (iii) In the case of an injury of Government servant or one who has contracted a disease a medical report in Form C of the Forms set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured
- (iv) A report of the Audit Officer concerned as to whether an award is admissible under the rules and, if so, of what amount

Government of India's Order

The Government of India have had under consideration the question of delegating powers to Administrative Ministries to sanction awards under the various Extraordinary Pension Rules without reference to the Ministry of Finance

2 Claims to extraordinary pensions and gratuity under the Rules in Chapter XXXVIII of the Civil Service Regulations, the Superior Civil Services (Extraordinary Pension) Rules and the Central Civil Services (Extraordinary Pension) Rules, as the case may be have to be dealt with in accordance with the procedure laid down in those Rules

3 One of the requirements of the prescribed procedure is that the claim should *inter alia* be accompanied by a report of the Audit Officer concerned as to whether an award is admissible under the Rules and if so of what amount

4 Article 320(3) (a) of the Constitution of India requires that the Union Public Service Commission shall be consulted on any claim for the award of a pension (which includes gratuity) in respect of injuries sustained by a person while serving under the Government of India in a civil capacity and on any question as to the amount of any such award

5 It has now been decided that in future Administrative Ministries may accord sanction of the President, without reference to the Ministry of Finance in all those cases of awards under the

various Extraordinary Pension Rules mentioned above, in which the proposed pension or gratuity is held to be clearly covered by and admissible under the relevant Rules, i.e., where there is no disagreement between the Audit Officer, the Administrative Ministry and the Union Public Service Commission, either as regards the *admissibility of the award or the amount admissible*

6 Cases which are not clearly covered by the Rules, or where there is disagreement between the Audit Officer, the Administrative Ministry and the Union Public Service Commission, or where an award not clearly admissible under the Rules is proposed to be granted on *ex-gratia* grounds, should, however, continue to be referred to the Ministry of Finance for concurrence as usual

7. The Comptroller and Auditor General shall be competent in similar circumstances to make an award for the purpose of these rules other than the Superior Civil Services (Extraordinary Pension) Rules in respect of persons serving in the Indian Audit and Accounts Department Necessary amendments to Civil Service Regulations and Central Civil Services (Extraordinary Pension) Rules are being issued separately

[G I M F No F 2 (14) FV(B)/61/III dated the 27th September 1961]

SCHEDULE I

[Note to clause (4) of rule 3]

Classification of Injuries

Equal to loss of limb—

Hemiplegia without aphasia
Permanent use of a tracheotomy tube
Artificial anus
Total deafness of both ears

Very Severe—

Complete unilateral facial paralysis likely to be permanent
Lesion of kidney, ureter or bladder
Compound fractures (except phalanges)
Such gross destruction of soft parts as to lead to permanent disability or loss of function

Severe and likely to be permanent—

Ankylosis of, or considerable restriction in the movement of one of the following joints—
knee elbow shoulder hip ankle temporo-maxillary or rigidity of the dorsolumbar or cervical sections of the spine
Partial loss of vision of one eye
Destruction or loss of one testicle
Retention of foreign bodies not causing permanent or serious symptoms

SCHEDULE II

(Rule 9)

Injury gratuity and pension

1	2	3	4
Pay of Government servant on the date of injury	Gratuity	Monthly pension Higher scale	Monthly pension Lower scale
		Rs	Rs
1 Rs 2 000 and over	3 months' pay, subject to a minimum of Rs 800	300	225
2 Rs 1 500 and over but under Rs 2 000		275	200
3 Rs 1,000 and over but under Rs 1,500		200	150
4 Rs 900 and over but under Rs 1,000		150	125
5 Rs 400 and over but under Rs 900		100	84
6 Rs 350 and over but under Rs 400		85	70
7 Rs 200 and over but under Rs 350		67	50
8 Under Rs 200	4 months pay	1/3rd of pay, subject to a minimum of Rs 8 per mensem	1/5th of pay, subject to a minimum of Rs 4 per mensem

SCHEDULE III

(Rule 10)

Family gratuity and pension

A—WIDOW

1	2	3
Pay of Government servant on the date of injury	Gratuity	Monthly Pension
1 Rs. 800 and over	3 months pay, subject to a minimum of Rs 200	1/8th of pay, subject to a maximum of Rs 200
2 Rs. 200 and over but under Rs 800		1/6th of pay, subject to a maximum of Rs 100 and minimum of Rs 50
3 Under Rs 200	4 months pay	1/3rd of pay, subject to a maximum of Rs 50 and minimum of Rs 8

B—CHILDREN

Pay of Government servant on the date of death	Monthly pension of each child	
	If the child is motherless	If the child is not motherless
1 Rs 800 and over	Rs 40	Rs 25
2 Rs 200 and over but under Rs 800	Rs 25	Rs 13
3 Under Rs 250	1/10th of pay, sub- ject to a minimum of Rs 4	1/20th of pay, sub- ject to a minimum of Rs 3

SCHEDULE IV

{See Rule 13(4)}

FORM A

Form of application for injury pension or gratuity

- 1 Name of applicant
- 2 Father's Name
- 3 Race sect and caste
- 4 Residence showing village and pergunnah
- 5 Present or last employment, including name of establishment
- 6 Date of beginning of service
- 7 Length of service including interruptions
of which superior
inferior
non-qualifying and interruptions
- 8 Classification of injury
- 9 Pay at the time of injury
- 10 Proposed pension or gratuity
- 11 Date of injury
- 12 Place of payment
- 13 Special remarks, if any
- 14 Date of applicant's birth by Christian era *
- 15 Height
- 16 Marks
Thumb and finger impressions
Thumb—fore finger—middle finger—ring finger—little finger
- 17 Date on which the applicant applied for pension

Signature of Head of Office

Note—In the case of European ladies gazetted officers Government title holders and other persons who may be specially exempted by Government, thumb and finger impressions and particulars of height and personal marks are not required

* If not known exactly, must be stated on the best information or estimate

FORM B

Form of Application for family pension

(Rule 13)

Application for an extraordinary pension for the family of A. B, late a
 killed, or died of injuries received as a result of special risk of office,
 submitted by the—

Description of claimant	{	1	Name and residence, showing village and pergunnah
		2	Age
		3	Height
		4	Race, caste or tribe
		5	Marks for identification
		6	Present occupation and pecuniary circumstances
		7	Degree of relationship to deceased
Description of deceased	{	8	Name
		9	Occupation and service
		10	Length of service
		11	Pay when killed
		12	Nature of injury causing death
		13	Amount of pension or gratuity proposed
		14	Place of payment
Names and ages of surviving kindred of deceased	{	15	Date from which pension is to commence
		16	Remarks
		Name Date of birth by Christian era *	
		Sons	
	{	Widows	
		Daughters	
		Father	
		Mother	

Note—If the deceased has left no son, widow, daughter, father or mother surviving him the word none or dead* should be entered opposite to such relative.

Place

Date

Signature of Head of Office

FORM C

Form to be used by Medical Board when reporting on injuries

(Rule 13)

Proceedings of Medical Board

CONFIDENTIAL

Proceedings of a Medical Board assembled by order of _____ for
 the purpose of examining, and reporting on the present state of the
injury sustained by _____ at (place of injury etc.)
disease contracted by _____
 on the (date of injury etc.)

(a) State briefly the circumstances under which the injury was
sustained
contracted

(b) What is the Government servant's present condition?

(c) Is the Government servant's present condition wholly due to the injury
disease?

If not state to what other causes it is attributable

(d) In case of disease from which date does it appear that the Government servant has been incapacitated?

The opinion of the Board upon the questions below is as follows—

Part A FIRST EXAMINATION

The severity of the injury should be assessed in accordance with the following classification and details given in the remarks column below

- | 1 | Is the injury— | YES | NO |
|-------|---|-----|----|
| (i) | (a) The loss of an eye or a limb? | | |
| | (b) The loss of more than one eye or a limb? | | |
| (ii) | More severe than the loss of an eye or a limb? | | |
| (iii) | Equivalent to the loss of an eye or a limb? | | |
| (iv) | Very severe? | | |
| | (a) Severe and likely to be permanent? | | |
| | (ii) Severe but not likely to be permanent? | | |
| | (iii) Slight but likely to be permanent? | | |
| 2 | For what period from the date of injury— | | |
| | (a) has the Government servant been unfit for duty? | | |
| | (b) the Government servant likely to remain unfit for duty? | | |

Remark—Here the classification above may be amplified if necessary, or details of additional injuries to the main injury may be given

Part B SECOND OR SUBSEQUENT EXAMINATIONS

If the original degree of disability of the Government servant has changed, in which of the above categories should it now be placed?

Remarks—In this space additional details may be given if necessary

For instructions to be observed by the Medical Board preparing the Report see page 94

APPENDIX XI

CIVIL PENSIONS (COMMUTATION) RULES

- 1 (a) These rules may be called the Civil Pensions (Commutation Rules

(b) They shall be deemed to have come into force on 1st April, 1925

†2 In these rules 'sanctioning authority' means the authority competent to sanction commutation of pension

†2A The powers granted under these rules to sanction commutation of pension shall be exercised by the authority competent to sanction pension and may be delegated to any other authority with the specific approval of the President. In respect of persons who draw pension outside India, such powers shall be exercised by the High Commissioner for India in the United Kingdom

†(G I M F No F 2(2) EV (c)/61 dated the 29th January 1962]

*3 A Government servant who is not governed by any of the pension schemes referred to in rule 4 shall be entitled to commute for a lump sum payment any portion not exceeding one half of any pension which has been or may be granted to him under the provisions of the Civil Service Regulations. But any such commutation shall be subject to the condition that the uncommuted residue of the pension shall not be less than Rs 240 per annum

Provided that in calculating the amount of the uncommuted residue there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from India or other Government revenues

Provided also that a Government servant against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Article 351 A CSR shall not be permitted to commute any part of his pension during the pendency of such proceeding

Government of India's Order

Payment cannot be postponed on the ground of lack of funds

[G I F D No F 2 11 R II/28 dated the 14th January 1928 Paragraph 473 of the Punjab Manual]

*4 A Government servant who is governed by new pension scheme sanctioned or by that scheme as modified by the orders of that Government contained in paragraph 1 (c) of order No (2) below para 9 shall be entitled to commute for a lump sum payment any portion, not exceeding one third of any pension which has been or may be granted to him under these rules. But any

*[G I M F Notification No F 2(3) EV(C)/62 dated the 26th December, 1962]

4A The special additional pension granted to Military Officers on the Supernumerary List under Article 475B, Civil Service Regulations, shall be treated as part of their military pension for purposes of Commutation, such commutation being affected under the Military Commutation Rules

5 Applications shall be addressed—

- (a) in the cases of pensioners who draw their pensions from Indian Treasuries or who being resident in Colonies having an account current with the Accountant General, Central Revenues, draw their pensions from the local Treasuries, to the local Government or to the Government of India, as the case may be, and
- (b) in the case of all other pensioners, to the High Commissioner for India, provided that in the case of pensioners residing in a Dominion or Colony, other than those referred to in clause (a) of this rule, the application shall be addressed to the High Commissioner through the official from whom the pension is drawn

6 (1) On receipt of an application for commutation the sanctioning authority shall transmit to the applicant a copy of the Accounts Officer's certificate of the lump sum payable on commutation in the event of his being reported by such medical board [authority]* as the sanctioning authority may prescribe to be a fit subject for commutation, and shall, at the same time, instruct him to appear for examination before the said board [authority]* within three months from the date of its order, or if he has applied for commutation in advance of the date of his retirement within three months of that date but in no case earlier than the actual date of retirement. This intimation shall constitute administrative sanction to commutation, but shall lapse if the medical examination does not take place within the period prescribed in the sanctioning order. If the applicant does not appear for examination before the said Medical Board* [authority] within the prescribed period the sanctioning authority may, at his direction renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by written notice despatched at any time before medical examination is due to take place, but this option shall expire on his appearance before a medical board* [authority]:

Provided that if the medical board [authority]* directs that his age for the purpose of commutation shall be assumed to be

* Substitute 'authority' for the word 'board' in the case of Government servants under the rule making control of the President in this rule

greater than his actual age, the applicant may withdraw his application by written notice despatched within two weeks from the date on which he receives intimation of the revised sum payable on commutation, or, if this sum is already stated in the sanctioning order, within two weeks from the date on which he receives intimation of the finding of the medical board [authority]*

If the applicant does not withdraw in writing his application within the period of two weeks prescribed above, he shall be assumed to have accepted the sum offered

(2) Subject to the provisions contained in clause (3) and to the withdrawal of an application under the proviso to clause (1) of this rule, the commutation shall become absolute, that is, the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue, on the date on which the medical board [authority] signs the medical certificate. Payment of the commuted value shall be made as expeditiously as possible, but in the case of an impaired life no payment shall be made until either a written acceptance of the commutation has been received or the period within which the application for the commutation may be withdrawn has expired. Whatever the date of actual payment, the amount paid and the effect upon the pension shall be the same as if the commuted value were paid on the date on which commutation became absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute, the amount drawn shall be deducted from the amount payable in commutation.

Note 1—The applicant who has clearly indicated his intention to commute the maximum amount of his pension or expressed the amount proposed to be commuted as a fraction or percentage of the full and final pension within the maximum permissible limit and is allowed to commute such fraction or percentage of the anticipatory or the provisional pension sanctioned to him on the earlier occasion shall neither be required to apply afresh nor to produce a fresh certificate of medical examination for commutation of the difference between the fraction or percentage of the final pension and the anticipatory or provisional pension. As the commutation in such cases is payable in two instalments—one out of the anticipatory or provisional pension and the other after final assessment of pension—the report from the Audit Officer will have to be called for in Part II of Form A for Commutation of Civil Pension twice. A fresh sanction of the administrative authority for the difference of the commuted value i.e. the maximum value accrued minus value commuted provisionally shall be necessary, regard, however being had to the need for further medical examination as in Note 2 below.

[C.M.F. No. P-2(10) EV/59 dated the 27th June 1966]

Note 2—A person who is allowed provisionally to commute a portion of his pension not exceeding Rs. 25 and who anticipates that the final amount of pension that he would be entitled to commute might exceed Rs. 25 shall indicate that fact in his application in case he desires to commute a sum exceeding Rs. 25. The sanctioning authority shall in such cases arrange for medical examination as if the amount to be commuted exceeds Rs. 25. In case such fact is not indicated the Government servant shall be permitted on finalization of the amount

of his pension to commute the difference between the amount of pension originally commuted and Rs 25 without further medical examination, if the original amount commuted together with the difference referred to does not exceed Rs 25. If the same exceeds Rs 25 the commutation of any further sum if admissible shall be treated as fresh commutation and allowed subject to examination by a Medical Board [authority].

The date on which the Medical Board [authority] sign the medical report shall be the date of effect for the difference of the amount of the portion of pension to be commuted for which the medical examination is conducted.

[C.M.B. No 2(7) 15/5* dated the 13th January 1960]

(3) If the applicant makes any statement found to be false (within his knowledge) or wilfully suppresses any material fact in answer to any question, written or oral put to him in connection with his medical examination the sanctioning authority may cancel the sanction at any time before payment is actually made and such a statement or suppression may be treated as grave misconduct for the purpose of Article 351 of the Civil Service Regulations.

Government of India's Order

(1) It has been decided by the Governor General in Council that a pensioner applying for a commutation, who has once been rejected on the recommendation of the medical authority as not being a fit subject for commutation or after he has once declined to accept commutation on the basis of an addition of years to his actual age recommended by that authority, may be allowed to present himself once more subsequently for medical examination with a view to the revision of the original finding at his own cost, provided that—

- (i) an interval of not less than a year shall elapse between the date of the first medical examination and that of the second, and
- (ii) the second examination shall invariably be made by a medical board [authority].

The medical authority examining the pensioner should be furnished in addition to the documents mentioned in the concluding portion of Regulation, with a copy of the report of the medical authority which previously examined him.

[G.I.F.D. No F 2 XVIII RH/31, dated the 21st August 1931]

(2) If a pensioner, whose age for the purpose of commutation of pension has been directed by the medical authority to be taken as greater than his actual age, makes a request within the period described in the proviso to rule 6(1) of the Civil Pensions (Commutation) Rule that the amount to be commuted may be reduced, such a request is tantamount to a withdrawal of his application and should be treated as a new application for commutation.

[GIFD No F 2(11) R II/36 dated the 5th August 1936 paragraph 479 of the Punjab Manual]

(3) In all cases falling under the proviso to Rule 6(1) of the Civil Pensions (Commutation) Rules the copy of the medical report by medical authority or the intimation by the Audit Officer (in a case where the pensioner's age for the purpose of commutation has been loaded for more than 5 years) of the revised sum payable on commutation should if it has to be sent to the applicant by post be sent invariably by registered post with acknowledgment due to the Audit Officer

[GIFD No F 2 (9) R II/37 dated the 5th February 1938]

(4) A case was brought to the notice of the Government of India in which a State Government convened a medical board consisting of two medical officers only to examine a Central Government servant for commutation of pension. This resulted in certain procedural difficulty and consequent delay in the disposal of the case. With a view to avoiding such difficulty in future the Government of India have decided that in so far as medical examination of Central Government servants by a medical board [authority] for the purposes of leave invalidment commutation of pension etc. or for examining candidates for appointment under the Central Government is concerned the medical board should consist of three medical officers possessing qualifications included in one of the Schedules to the Indian Medical Council Act 1933 and that the examination of such personnel should be held only at places where a medical board can be so constituted. This procedure should be followed strictly in all cases.

[C.I. Ministry of Health letter No F 7 (1) 23/52 M II dated the 7th November 1952 circulated with GIMHA endorsement No 38/35/52 Es dated the 26th November 1952]

(5) Every person who wishes to commute a part of his pension shall be required to furnish two copies of passport size photographs along with his application for commutation of pension. One copy of the photograph duly attested shall be pasted on the application form itself at the appropriate place provided for the purpose while the other will be loosely attached to it.

[C.I.M.F. No 22(3) EV/60 dated the 1st September 1960]

7 The lump sum payable on commutation shall be calculated in accordance with a table or tables of present values which shall be prescribed by the President who may prescribe separate tables for pensioners whose domicile at the time of first appointment to Government service was Asiatic and for others. For the purposes of this rule the age in the case of impaired lives shall be assumed to be such age not being less than the actual age as

the certifying medical authority may direct and domicile shall be determined in accordance with the provisions of Appendix B to Schedule IV of the Superior Civil Service (Revision of Pay, Passage and Pension) Rules, 1924. In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to him than that previously in force to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification.

Government of India's Order

It has been decided by the Government of India with the concurrence of the Comptroller and Auditor General that in the case of Central Government servants we should follow only the Civil Pension (Commutation) Rules and the Regulations prescribed by us and not any rule of the Provincial Government. Our Rules do not apply for an appeal and we cannot therefore, recognise the second medical opinion given on an appeal.

[GIMFUO No 837—E1/50 dated 3rd February 1950]

8 Cancelled

9 The lump sum, in cases in which application is addressed to the local Government or to the Government of India under Rule 5(a) shall be payable in India in all other cases it shall be payable at the Home Treasury the rate of exchange for conversion of the lump sum where the question of conversion arises shall be such rate as the President may by order prescribe.

10 If the pensioner dies on or after the day on which commutation became absolute but before receiving the commutation value this value shall be paid to his heirs.

11 Rule 13 to 23 inclusive of the Premature Retirement Rules are hereby repealed.

Note—[The last Rule of Premature Retirement Rules is 17 (Author)]

REGULATIONS GOVERNING PROCEDURE FOR THE COMMUTATION OF PENSIONS

The following regulations governing procedure for the commutation of pensions issued by the President in connection with the Civil Pensions (Commutation) Rules, are for observance in all cases in which applications for commutation of pension are

made by Government servants under his administrative control or under the administrative control of a Chief Commissioner. For the purpose of rule 2 of the Civil Pensions (Commutation) Rules, if two different Local Governments * * * * *

* * * are concerned, a Government servant shall be deemed to be under the administrative control of the Government (other than the Central Government) to which the payment of the commuted value of his pension will be charged and the application for commutation shall be disposed of by that Government according to the procedure rules framed for its own servants. In cases in which the commuted value of a pension divisible between the Central Government and a State Government is wholly chargeable to the Central Government, the application for commutation should be decided by the State Government to which the pension is partly chargeable. If, however, an application for commutation is made before the date on which the pension is sanctioned, the Government under which the applicant was last permanently employed shall be the Government competent to dispose of his application in accordance with the procedure rules prescribed for its own servants. The lump sum payable on commutation to Government servants who have served under more than one Government when the commutation tables applied by the different Governments are not identical, shall be calculated according to the commutation table of the Government under whose rule making control they are at the time of retirement. In the case of Government servants who are temporarily lent by one Government to another, the commutation shall be according to the table of the lending Government and in the case of those who are permanently transferred from one Government to another it shall be according to the table of the Government to which their services have been permanently transferred.

Note—The Government of India have had under consideration the question as to the competent authority which should deal with an application for commutation of pension from a pensioner who on transfer from a State Government had served more than one Department/Ministry of the Government of India before retirement and in whose case the State Government have extinguished their pensionary liability by a lump sum payment of the capitalised value of their share of pension to the Government of India. In such cases the administrative sanction to commutation has to be accorded by the Government of India and the practice hitherto has been to issue the sanction from the Ministry of Finance. It has now been decided that hereafter such sanctions may be accorded by the Ministry under which the pensioner earned a portion of original pension which is debitable to the Central Government and in a case where the pensioner had served under more than one Ministry by the last such Ministry.

[G.I.M.F. No. E 2(10) EV/56 dated the 25th January 1957]

1. An application for commutation of pension should be made in Part 1 of Form A appended to these regulations accompanied by two passport size photographs (one duly attested and

other without any attestation) and addressed —

- (1) if the applicant is still in service or has retired but his pension has not yet been sanctioned, to the authority competent to sanction his pension, through the Head of the office in which he is or was employed or if he is or was himself the Head of the office through the Head of his Department,
- (2) otherwise to that authority through the proper Accounts Officer who is —
 - (a) In the case of a pensioner who draws his pension in India, the Accounts Officer of the State in which the treasury from which the pensioner draws his pension is situated

Note —The attested copy will be pasted on Part I of Form A and the other copy loosely attached to it

- (b) In the case of a pensioner who, being resident in a Colony having an account current with the Accountant General Central Revenues draws his pension from the local treasury the Accounts Officer who issued the authority for payment of the pension in the Colony

2 The application if addressed to the authority specified in regulation 1(1) should be transmitted forthwith to the Accounts Officer who is reporting on the title to pension

3 The Accounts Officer should complete Part II of Form A without delay and transmit it together with copies of the medical reports mentioned in the concluding portion of regulation 5(ii) if they are on record in his office to the authority competent to sanction the commutation whether that authority is correctly named in Part I or not

Government of India's Order

The note to Auditor General's instruction below para 3 *inter alia* provides that reports on the title to commutation of a portion of an anticipatory pension should be referred to the Administrative Department concerned who will obtain the concurrence of Finance Ministry

The matter has now been re examined in consultation with the Comptroller and Auditor General and it has been decided that Commutation of anticipatory pensions should also be sanctioned by the authorities who are otherwise competent to sanction commutation of final pension without the concurrence of Finance Ministry

Auditor General's Order

It has been brought to the notice of the Auditor General that the practice in Accounts Offices is not to report on commutation of pension in advance of a report on the title to pension in view of the uncertainty of the amount of pension that may be found admissible after completing audit scrutiny. This practice is not in accordance with the rules and results in some pecuniary loss to the pensioner in cases in which the applicant is likely to have a birthday before the report on the title to pension is submitted. In order to avoid this delay and save the pensioner from loss it has been decided by the Auditor General with the concurrence of the Government of India that Accounts Officer should issue a report on the commutation of pension in advance of the formal report on the title to pension in cases in which the report on the title to pension is not likely to be issued in sufficient time to permit arrangement being carried through before the applicant's next birthday provided that the portion of the pension to be commuted is clearly well below one-half of the approximate amount of the total pension likely to be sanctioned and the uncommuted residue of the likely pension is also well above the limits prescribed in rules 3 and 4 of Civil Pensions (Commutation) Rules. If, in such a case the commutation becomes absolute before the pension is formally sanctioned the payment of commutation money should not be authorised until the formal sanction of the pension is received but an intimation of the possibility of loss because of delay in the sanction to pension should be sent to the pensioner when reporting on the claim for commutation.

Form of Declaration

Whereas the (here state the designation of the officer sanctioning the commutation) has consented, provisionally, to advance to me the sum of Rs being the commuted value of a part of the anticipatory pension in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension and consequently the part of that pension may be commuted I hereby acknowledge that in accepting the advance, I fully understand that the commuted value now paid is subject to revision on the completion of the necessary formal enquiries and I promise to have no objection to such revision on the ground that the provisional amount now to be paid to me as the commuted value of the part of anticipatory pension exceeds the amount to which I may be eventually found entitled. I further promise to repay either in cash or by deduction from subsequent payments of pension any amount advanced to me in excess of the amount to which I may be eventually found entitled."

[Ar Genl's letter No T 832 Admin 1/91-36, dated the 25th August, 1936, Paragraph 517 of the Punjab Manual]

4 The authority competent to sanction commutation should thereupon accord his administrative sanction in part III of Form A

Note 1—If the applicant is governed by Rule 4 of the Civil Pensions (Commutation) Rules and the Accounts Officer's certificate in Part II shows that the commutation charge falls partly on a State Government, which has stipulated that it should be consulted regarding availability of funds, the sanctioning authority must obtain that Government's consent before he accords administrative sanction. These Governments are Madras, Bombay, West Bengal, Uttar Pradesh and Assam.

Note 2—The authority competent to sanction commutation may authorise a responsible subordinate officer to sign for him the administrative sanction in Part III of Form A.

5 The sanctioning authority should then —

- (i) transmit to the applicant on Form B a certified copy of the Accounts Officer's certificate contained in Part II of Form A and one copy of Form C, Part I of which is to be filled in by the applicant before his medical examination and handed to the medical authority, and
- (ii) forward to the Chief Administrative Medical Officer of the State concerned in original the completed Form A, together with a copy of Form C, a copy of an attested photograph sent along with the application as in Rule 1 above and an extra copy of Part III of that Form, and, if the applicant has been granted an invalid pension, or has previously commuted any portion of his pension (or declined to accept commutation) on the basis of an addition of years to his actual age, or has been refused commutation on medical grounds, copies of the previous medical reports or statements of his case.

Note—If however, the Medical examination is to take place in the State of Bombay the Forms and documents referred to in clause (ii) should be forwarded

to the Civil Surgeon of the District concerned or the Presidency Surgeon Bombay, if the applicant is in Bombay in the case of examination by single Medical Officer and to the Superintendent JJ Group of Hospitals, Bombay, and the Civil Surgeons of Poona and Ahmedabad in the case of examination by Medical Board

† If the medical examination is to take place in New Delhi the forms and documents referred to in clause (ii) should be forwarded to the Chairman of the Central Standing Medical Board Wellington/Safdarjung Hospital New Delhi

† [C.M.F. No. F 2 (16) EV(C)/61, dated the 31st October 1961]

Government of India's Order

When a medical examination for commutation is arranged for a Central pensioner through a State Government, particular care should be taken to inform the State Government that the Central Government's procedure is to be followed throughout

[C.M.F. No. F 2 (4) LV/52 dated the 23rd June 1952]

6 The Chief Administrative Medical Officer or the Medical Officer specified in Note below Regulation 5 as the case may be, should arrange for the medical examination of the applicant by the authority prescribed in Regulation 7, at the nearest available station to that named by the applicant in Part I of Form A and as early as possible within the period prescribed and inform the applicant direct. The Form and other documents should be transmitted by the Chief Administrative Medical Officer to the examining medical authority

7 (i) Before any commutation administratively sanctioned becomes absolute, the applicant must be examined by the proper medical authority hereinafter prescribed

(ii) The medical authority shall be —

- (a) in the case of any applicant governed by rule 3 of the Civil Pensions (Commutation) Rules and any applicant governed by Rule 4 of those rules who has been or is about to be granted an invalid pension—a medical board before which the applicant must appear in person
- (b) in the case of any other applicant, unless the total of the amount of pension to be commuted, together with the amount or amounts previously commuted if any, is Rs 25 or less, either.—
 - (1) a medical board before which the applicant, must appear in person, if such a board is appointed to meet at a station reasonably near to the applicant's residence within the period prescribed by the sanctioning authority, or
 - (2) failing such a board, a reviewing board which shall be either the standing medical board at the head quarters of the administration or the senior medical officer of the administration, and medical officer

nominated by him of status not lower than that of a Civil Surgeon

This authority shall review the medical report made on the applicant's health and expectation of life by the Civil Surgeon District Medical Officer or Presidency Surgeon of the area in which the applicant is ordinarily resident at the time he applies for commutation and after calling for any information that it thinks fit from examining officer, shall pass final orders

- (c) in the case of an applicant not governed by clause (a), who applies for commutation of a sum such that the total of the amount of pension to be commuted, if any, is Rs 25 or less the medical officer, not being of lower status than the Civil Surgeon District Medical Officer or Presidency Surgeon of the area in which he is ordinarily resident

(iii) The medical authority after obtaining from the applicant a statement in Part I of Form C (which must be signed in its presence) shall subject him to a strict examination enter the result in Part II of Form C and record its opinion as to the accuracy with which the pensioner has answered the question prescribed in Part I regarding his medical history and habits. Lastly, it shall attest the unattested copy of the photograph of the pensioner complete the certificate contained in Part III of Form C and in the case of non gazetted Government servants other than those who are literate enough to sign their names obtain in its presence the left hand thumb and finger impressions

(iv) In the case of an applicant who has been or is about to be granted an invalid pension the grounds of invaliding or the statement of the medical case shall be duly considered by the certifying medical authority before the certificate (Part III of Form C) is signed

(v) If the examination is conducted by a single medical officer the applicant shall himself pay the medical officer's fee but if he is originally examined by a medical board in India, he shall pay a fee of Rs 4 into a Government treasury and make over the receipt for the fee to the Board before examination together with an additional fee of Rs 12 in cash to be retained and divided by the members of the Board among themselves. If he is examined by a Board outside India, he shall pay to the Board such fees as may be required of him

(vi) The ultimate medical authority prescribed in clause (ii) shall without delay forward the completed Forms A and C in ori

ginal and a copy of photograph attested by it to the Accounts Officer who gave the certificate contained in Part II of Form A, a certified copy of the completed Form C to the sanctioning authority, and a certified copy of Part III of Form C to the applicant

Note 1.—A pensioner after he has once been refused commutation on medical grounds, or after he has once declined to accept commutation on the basis of an addition of years to his actual age, may apply for a second medical examination, at his own expense if at least a year has elapsed since his first. Such a re-examination shall invariably be made by a medical board.

Note 2.—If in the opinion of the medical authority prescribed in clause (ii) some special examination is necessary which it is not in a position to carry out itself, it may require the applicant to undergo such examination at his own expense. No refund of such expenditure will be given by Government irrespective of the result of the examination.

Government of India's Order

(1) Cases have come to notice of the Government of India in which there has been some delay on the part of the medical authorities in communicating a certified copy to the applicant. The result was that some of the applicants had to suffer a loss. The Provincial Governments were therefore requested to issue instructions to the medical authorities under their control to the effect that a certified copy should be communicated to the applicants for commutation of pension immediately after the medical examination.

[G I F D No F 2(3) R II/41 dated the 25th March, 1941]

(2) Clause (v) of paragraph 7 of the Regulations governing the procedure for the commutation of pension lays down *inter alia* that if the examination is conducted by a single medical officer, the applicant shall himself pay the medical officer's fee. A question has arisen whether any portion of the fee so paid by the applicant should be credited to Government or the entire fee may be retained by the medical officer. After careful consideration it has been decided that the Governments' share of Rs 4 should be deposited by the applicant for commutation of pension into a Government treasury and the treasury receipt should be handed over to the examining medical officer together with the latter's share of Rs 12 at the time of medical examination. The amount will be credited to the accounts of the State Government under whom the examining medical officer is employed.

[G I Ministry of Health No F 7(1)—7/53—M II, dated the 2nd April 1953]

8 The Accounts Officer on receipt of the completed Form A and C and copy of the photograph attested by the medical authority shall arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of pension. He shall also forward to the disbursing officer Form C containing the signature or thumb and finger impressions taken in the pre-

sence of the medical authority and a copy of the photograph attested by it with instructions that they should be verified with those received with the pension payment order.

Note.—If the medical certificate prescribes that more than 5 years should be added to the applicants actual age, the Accounts Officer shall forthwith inform the applicant of the revised sum payable on commutation.

FORM A

COMMUTATION OF CIVIL PENSION

PART I—FORM OF APPLICATION

I, _____, desire to commute
Rs _____ of my pension¹ of Rs _____ of _____
a month. I certify that I have answered correctly
each and all of the questions below

Space for
photograph

Place	Signature	..
Date	Designation	..
	Address	..

Questions

Answers

- 1 What is the date of your birth?
- 2 How much of your pension do you wish to commute?
- 3 (a) Have you already commuted a portion of your pension? If so, give particulars
- (b) Has any application from you for commutation of pension ever been rejected or have you ever accepted/declined to

1 The class of pension (superannuation, retiring, invalid compensation) should be stated and if the amount is not known a suitable modification should be made in the form

2 The portion of the pension to be commuted should consist of whole rupees or of rupees and a multiple of 5 naye Paise

3 In case of anticipatory pension, the pensioner may, if he so desires, indicate his intention to commute the maximum amount in the event of his final pension being more than the anticipatory pension. In such a case the amount proposed to be commuted may, alternatively, be expressed in terms of a percent age of full pension within the maximum permissible limit. The pensioner may also indicate whether he anticipates that the final amount of pension that he would be entitled to commute might exceed Rs 25 in case he desires to commute a sum exceeding Rs 25

accept commutation of pension on the basis of an addition of years to your actual age recommended by the medical authority? If so give particulars

- 4 From what treasury do you draw or propose to draw your pension and commutation money?
- 5 If you are drawing your pension outside India, what Accounts Officer issued the authority for payment of your pension?
- 6 If you are already drawing your pension quote the number of your Pension Payment Order or Colonial Warrant
- 7 Without prejudice to the discretion of the sanctioning authority from what date approximately do you wish this commutation to have effect? [See Rule 6 of the Civil Pensions (Commutation) Rules]
- 8 At what station (near the area in which you are *ordinarily resident*) would you prefer your medical examination to take place?
- 9 State the amount of provident fund money (including any non refundable withdrawals) and the amount of death *cum* retirement gratuity received by you
- 10 Name the Accounts Officer who authorised the payment of provident fund money (including any non refundable withdrawal) and death *cum* retirement gratuity to you

Place

Signature

Date

[For use in cases governed by
procedure & instructions 1(1)]

Forwarded for report to

(here enter the designation and address
of the Accounts Officer)

Place

Signature

Date

Designation

PART II

Forwarded to

(here enter the designation and address

of the sanctioning authority)

2 Subject to the medical authority's recommending commutation, the lump sum payable will be as stated below —

Sum payable if the commutation becomes absolute before the applicant's next birthday which falls on	On the basis of normal age i.e.	Rs.
	years	
	Do	plus
1 year i.e.	Do	years Rs.
Do	Do	plus
2 years i.e.	Do	years Rs.
Do	Do	plus
3 years i.e.	Do	years Rs.
Do	Do	plus
4 years i.e.	Do	years Rs.
Do	Do	plus
5 years i.e.	Do	years Rs.
Sum payable if the commutation becomes absolute after the applicant's next birthday but before his next birthday but one	On the basis of normal age i.e.	Rs.
	years i.e.	
	Do	plus
1 year i.e.	Do	years Rs.
Do	Do	plus
2 years i.e.	Do	years Rs.
Do	Do	plus
3 years i.e.	Do	years Rs.
Do	Do	plus
4 years i.e.	Do	years Rs.
Do	Do	plus
5 years i.e.	Do	years Rs.

3 The sum payable will be charged on —

Central Revenues Rs.

the Government of

(State Government)

Station

Signature and designation
of Accounts Officer

Dated

PART III

Administrative sanction of ,
is accorded to the above commutation. A certified copy of paragraph 2 of Part II of the Form has been forwarded to the applicant in Form B.

Place

Signature

Dated ,

Designation

Forwarded* to

(here enter the designation and address

of the Chief Administrative Medical Officer)

in original on

with the request that he

(date)

will arrange for the medical examination of the applicant by the proper medical authority as early as possible within three months from the but not earlier than the

(here enter the date)

(here enter the date

and inform the applicant direct in sufficient time of retirement)

of where and when he should appear for the examination

†The next birthday of the applicant falls on and his medical examination may be arranged before that date but within the period prescribed in the sanctioning order

(Signature and designation of the sanctioning authority)

FORM B

PART I

Subject to the medical authority's recommending commutation and the conditions prescribed in Part II of this Form the lump sum payable will be as stated below —

Sum payable if the commutation becomes absolute before the applicant's next birthday which falls on	On the basis of normal age i.e.	Rs
	years	
	Do	Do
1 year i.e.	Do	plus years, Rs
Do	Do	plus
2 years i.e.	Do	years Rs.
Do	Do	plus
3 years i.e.	Do	years Rs.
Do	Do	plus

* With one copy of Form C and extra copy of Part III of the Form

† To be struck out when the next birthday falls beyond the prescribed date

	4 years 1 c		years Rs
	Do	Do	plus
	5 years 1 c		years Rs
Sum payable if the commutation becomes absolute after the applicant's next birthday but before his next birthday but one	On the basis of normal age, 1 c years		Rs
	Do	Do	plus
	1 year, 1 c		years, Rs
	Do	Do	plus
	2 years, 1 c		years Rs
	Do	Do	plus
	3 years 1 c		years Rs
	Do	Do	plus
	4 years 1 c		years Rs
	Do	Do	plus
	5 years 1 c		years Rs
	Signed		

Station

Signature and designation of
Accounts Officer

Date

PART II

The commutation for lump payment of the pension of _____ is administratively sanctioned on the basis of the report of the Accounts Officer contained in Part I above. The table of present values on the basis of which the calculations in the Accounts Officer's report have been made, is subject to alteration at any time without notice and consequently they are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or if the medical authority directs that years shall be added to that age to the consequent assumed age.

2 The

(here enter the designation and address of Chief Administrative

Medical Officer)

has been requested to arrange for the medical examination and inform Mr _____ direct where and when he should appear for the examination. He should bring with

him the enclosed Form C with the particulars required in Part 1 completed except for the signature

Station _____ Signature _____
 Date _____ Designation _____
 To _____

(the name and address of the

applicant)

•FORM C

PART 1

Statement to be filled in by the applicant for commutation of a portion of his pension under the Civil Pensions (commutation) Rules

The applicant must complete this statement prior to his examination by the _____ and must sign the

(here enter the medical authority)
 declaration appended thereto in the presence of that authority

- 1 State your name in full
(in BLOCK letters)
- 2 State place of birth
- 3 State your age and date of birth
- 4 Furnish the following particulars concerning your family —

Father's age if living and state of health	Father's age at death and cause of death	Number of brothers living their ages and state of health	Number of brothers dead, their ages at and cause of death
--	--	--	---

Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living their ages and state of health	Number of sisters dead, their ages at and cause of death
---	--	---	--

- 5 Have any of your near relations suffered from tuberculosis (consumption, scrofula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease?

- 6 Have you ever been abroad? Where and for what period and how long since?
- 7 Have you ever served in the Navy, Army, Air Force, or in any *Government Department*?
- 8 Have you ever been examined —
 - (a) for Life Insurance, or/and
 - (b) by any Government medical officer or State Medical Board, civil or military? If so, state details and with what result?
- 9 Have you ever been granted leave on medical certificate? If so, state periods of leave and nature of illness?
- 10 Have you ever —
 - (a) had small pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity, or other disease of the ear, syphilis, gonorrhoea or,
 - (b) had any other disease or injury which required confinement to bed or medical or surgical treatment, or
 - (c) undergone any surgical operation, or
 - (d) suffered from any illness, wound or injury sustained while on active service with His Majesty's Forces during the World War II?
- 11 Have you rupture?
- 12 Have you varicocele, varicose veins or piles?
- 13 Is your vision in each eye good?
- 14 Is your hearing in each ear good?
- 15 Have you any congenital or acquired malformation, defect or deformity?
- 16 When were you last vaccinated?
- 17 Is there any further matter concerning your health not covered by the above questions such as presence of albumen or sugar in the urine, marked increase or decrease in your weight in the last three years or being under treatment of any doctor within the last three months and the nature of illness for which such treatment was taken?

DECLARATION BY APPLICANT

(To be signed in presence of the medical authority)

I declare all the above answers to be to the best of my belief, true and correct

I will fully reveal to the medical authority all circumstances within my knowledge that concern my health and fitness

I am fully aware that by wilfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation I have applied for and of having my pension withheld or withdrawn under Article 351 Civil Service Regulations

Signed in presence of

Applicant's signature
Signature & designation
of medical authority

PART II

(To be filled in by the examining medical authority)

- 1 Apparent age
 - 2 Height
 - 3 Weight
 - 4 Girth of abdomen at level of umbilicus
 - 5 Pulse rate—
 - (a) Sitting
 - (b) Standing
- What is character of pulse?
- 6 What is condition of arteries?
 - 7 Blood pressure—
 - (a) Systolic
 - (b) Diastolic
 - 8 Is there any evidence of disease of the main organs—
 - (a) Heart
 - (b) Lungs.

- (c) Liver
- (d) Spleen
- (e)
- 9 Does chemical examination of urine show (i) albumen (ii) sugar? State specific gravity
- 10 Has the applicant a rupture? If so state the kind and if reducible
- 11 Describe any scars or identifying marks
- 12 Any additional information

PART III

I have carefully examined A B and am of opinion that —

Either he is in good bodily health and has the prospect is not fit subject of an average duration of life or (in the case of an impaired for commutation life which is yet considered a fit subject for commutation) 'as is suffering from his age for purpose of commutation i.e. his age next birthday should be taken to be years more than his actual age

Station

Dated

Countersigned [in case where Regulation 7 (a)(b)(2) applies]

(Signature and designation of
examining medical authority)

Reviewing Medical Authority

ANNEXURE

For commutation Tables see pages 76 to 78 of Appendix VIII

APPENDIX XII

CENTRAL CIVIL SERVICE (TRANSFERRED EMPLOYEES)
RULES, 1956

1. *Short title and commencement*—(i) These rules may be called the Central Civil Service (Transferred Employees) Rules 1956

(ii) These Rules shall be deemed to have come into force in respect of each transferred employee, on the date on which such employee was actually taken over

2 *Definitions*—In these rules, unless the context otherwise requires:—

- (a) 'Government' means the Government of India,
- (b) 'relevant' date means the date on which a transferred employee was actually taken over by Government;
- (c) 'State' in its grammatical variations means a Part C State or a State merged with a Part A State
- (d) 'State Rules' in relation to an employee means the rules and orders relating to the conditions of service of that employee in force on the day immediately preceding the date on which he was actually taken over, and
- (e) 'transferred employee' means a person who was employed under the Government of a Part C State or of a State merged with a Part A State and who has been taken over by Central Government in Departments other than the Indian Audit and Accounts Department, in consequence of constitutional changes and the extension of the executive authority of the Central Government to the State

3 *Persons to whom rules apply*—These rules shall apply to transferred employees other than those specified in rule 7

4 *Absorption in an appropriate grade under Government*—A transferred employee shall be fitted into the appropriate grade under the Government with effect from the relevant date in accordance with the orders issued by the Government in that behalf and any such employee who is not so absorbed shall continue to be governed by the State rules.

Provided that any modifications in the State Rules after the relevant date shall be subject to the specific orders of the Government

5 *Initial pay*—A transferred employee shall have his initial pay fixed in the appropriate grade or post on the Central scales of pay in accordance with the orders issued by the Government in that behalf

Explanation—Central scales of pay means the prescribed scales specified in the Central Civil Services (Revision of Pay) Rules 1947

6 *Leave and Pension*—(1) A transferred employee shall be subject to the Revised Leave Rules 1933 as amended from time to time. The leave to be carried forward in the relevant date and the manner in which leave taken during the pre absorption period shall count for pension shall be determined in accordance with the orders issued in the Ministry of Finance Office Memorandum No F 14(4) Est III/53 1 dated the 13th July 1953 and No F 7(124) EV/53 dated the 27th March 1954 respectively as amended from time to time

(2) A transferred employee who retires before the 17th April 1950 shall be subject to the Pension Rules in the Civil Service Regulations as on the 16th April 1950 as for post 1938 entrants. Such an employee retiring on or after the 17th April 1950 shall be subject to the Revised Pension Rules published in the Ministry of Finance Office memorandum No F 3(1) Est (Spl)/37 dated the 17th April 1950 (last Appendix) as applicable to post 1938 entrants as amended from time to time. All the permanent or temporary service rendered by the transferred employee under the State Government prior to absorption shall be treated as permanent or temporary service rendered under the Government

Provided that a transferred employee who was subscribing to a Contributory Provident Fund shall be brought on to pensionable service under Government and thereafter he shall not be allowed to subscribe to the Contributory Provident Fund. The extent to which the past service of such transferred employee shall count towards pension shall be determined with reference to the orders contained in the Ministry of Finance Office Memorandum No F 7(47) EV/54 dated the 17th July 1950 as amended from time to time

Explanation—For the purposes of this sub-rule the expression All the permanent or temporary service rendered by the transferred employee under the State Government prior to absorption shall mean the total length of service whether permanent or temporary rendered by a transferred employee in any Accessory State, a Part C State or a Part A State prior to the date of such absorption

(3) A transferred employee who retires before the 16th April 1950 shall be eligible for the benefits of commutation of pension under the Civil Pensions (Commutation) Rules. Such an employee retiring on or after the 17th April 1950 shall be eligible to the benefits of commutation of pension under the Civil Pension (Com

mutation) Rules read with the Revised Pension Rules (last Appendix) as amended from time to time

(4) For the purpose of determining the age of retirement for ministerial Government servants the provisions of Fundamental Rule 56 (b) (ii) shall apply

7 *Saving*—The rules shall not apply to—

- (a) employees in Railways
- (b) employees paid from the Defence Services Estimates
- (c) employees engaged on contract
- (d) employees not in whole time employment
- (e) employees paid out of contingencies and
- (f) employees absorbed in the Indian Audit and Accounts Department

APPENDIX XIII

†CENTRAL CIVIL SERVICES (AUDIT AND ACCOUNTS DEPARTMENT TRANSFERRED EMPLOYEES) RULES 1956

1 *Short title and commencement*—(1) These rules may be called the Central Civil Services (Audit and Accounts Department Transferred Employees) Rules 1956

(2) These rules shall be deemed to have come into force in respect of each transferred employee on the date on which such employee was actually taken over

2 *Definitions*—In these rules unless the context otherwise requires —

- (a) Government means the Government of India
- (b) relevant date means the date on which a transferred employee was actually taken over by the Government
- (c) State with its grammatical variations means a Part C State or a State merged with a Part A State
- (d) State rules in relation to an employee mean the rules and orders relating to the conditions of service of that employee in force on the day immediately preceding the day on which he was actually taken over, and
- (e) transferred employee with the grammatical variations means a person who was employed under the Government of a Part C State or of State merged

(4) A transferred employee who fails to exercise the right of election on or before the date specified by the Government under sub rule (1) or who, in the opinion of the Government, has exercised the right in an ambiguous manner shall be treated as having elected to be governed by the Central Rules

(5) A transferred employee who before the publication of these rules has retired from service shall also be eligible to exercise the option provided that he was in service on the relevant date

6 *Initial pay*—A transferred employee who elects the Central Rules shall have his initial pay fixed in the appropriate grades or post on the Central scale of pay in accordance with the orders issued by the Government in that behalf

Explanation—Central scales of pay means the prescribed scales specified in the Central Civil Services (Revision of Pay) Rules 1947

7 *Duration of applicability of State Rules*—A transferred employee who elects to be governed by the State rules in accordance with rule 5 shall continue to be governed by those rules

Provided that subject to the next succeeding proviso and subject also to the provisions of the Government of India Ministry of Finance, letters of even No F 16 (92) A (A)/53, dated the 4th March, 1954 and the 28th May 1954, where applicable, such an employee on promotion to a higher post shall be brought on to the Central Rules finally and his pay in the higher post shall be fixed under the Fundamental Rules, his substantive pay drawn under the State rules on the date of promotion being taken as the substantive pay for such propose

Provided further that such an employee may, if he so desires in promotion elect to be governed by the State Rules as applicable to the post held by him on the relevant date and an election so made shall be treated as final for so long as he continues to hold the post to which he has been promoted or an equivalent post

8 *Leave and Pension*—(1) A transferred employee who elects to be governed by the Central Rules shall be subject to the Revised Leave Rules 1933, as amended from time to time The leave to be carried forward on the relevant date and the manner in which leave taken during the pre absorption period shall count for pension shall be determined in accordance with the order issued in the Ministry of Finance OM No F 14 (4) Est III/33 1 dated the 13th July 1953 and No F 7 (124) EV/53 dated the 27th March, 1954, respectively, as amended from time to time

(2) A transferred employee who elects to be governed by the Central Rules and who retires before the 17th April 1950, shall be subject to the Pension Rules in the Civil Service Regulations as on the 16th April 1950 as for post 1938 entrants Such

and any such employee who is not so absorbed shall continue to be governed by the State Rules

Provided that any modifications in the State Rules after the relevant date shall be subject to the specific order of the Government

6 *Election between State Rules and Central Rules*—(1) A transferred employee who held a permanent post in a substantive capacity immediately before the date specified in clause (ii) of rule 1 shall on absorption in a department under the Government elect on or before a date to be specified in this behalf by the Government to be governed by the State Rules or the Central Rules. The election shall be—

- (i) for the State Rules or the Central Rules as a whole and not merely any part or parts thereof
- (ii) made in writing in such form as may be prescribed by Government. Provided that in all administrative matters such as applicability of Government Servants' Conduct Rules Civil Services (Classification Control and Appeal) Rules hours of work, holidays and transfer there shall be no option and in all such matters every transferred employee shall be treated from the date he was taken over by the Government in the same way as other Government servants holding corresponding posts under the Central Government.

(2) Subject to such special orders as the Government may issue in this behalf an election once made shall except to the extent specified in rule 8 be final

(3) The State rules in favour of which the option may be exercised shall be those which were applicable to the transferred employee in a post held by him either in a substantive or an officiating capacity immediately before the relevant date

Provided that in the case of any such employee (other than an employee of the Indian Audit and Accounts Department) who is either absorbed in a post or grade lower than the Central grade which has been equated to the post held by him at the time of absorption or who may be subsequently reverted to such a lower post or grade after the relevant date the conditions of his service shall be those which are applicable to the post held by him *substantively on the relevant date or on the date prior to the date of subsequent reversion, as the case may be*

Provided further *in the case of an employee absorbed in the Indian Audit and Accounts Department the provisions of*

and any such employee who is not so absorbed shall continue to be governed by the State Rules.

Provided that any modifications in the State Rules after the relevant date shall be subject to the specific order of the Government.

6 *Election between State Rules and Central Rules*—(1) A transferred employee who held a permanent post in a substantive capacity immediately before the date specified in clause (ii) of rule 1 shall on absorption in a department under the Government elect on or before a date to be specified in this behalf by the Government to be governed by the State Rules or the Central Rules. The election shall be—

- (i) for the State Rules or the Central Rules as a whole and not merely any part or parts thereof,
- (ii) made in writing in such form as may be prescribed by Government. Provided that in all administrative matters such as applicability of Government Servants' Conduct Rules, Civil Services (Classification, Control and Appeal) Rules, hours of work, holidays and transfer, there shall be no option and in all such matters every transferred employee shall be treated from the date he was taken over by the Government in the same way as other Government servants holding corresponding posts under the Central Government.

(2) Subject to such special orders as the Government may issue in this behalf an election once made shall, except to the extent specified in rule 8, be final.

(3) The State rules in favour of which the option may be exercised shall be those which were applicable to the transferred employee in a post held by him either in a substantive or an officiating capacity immediately before the relevant date.

Provided that in the case of any such employee (other than an employee of the Indian Audit and Accounts Department) who is either absorbed in a post or grade lower than the Central grade which has been equated to the post held by him at the time of absorption or who may be subsequently reverted to such a lower post or grade after the relevant date, the conditions of his service shall be those which are applicable to the post held by him substantively on the relevant date or on the date prior to the date of subsequent reversion, as the case may be:

Provided further that in the case of an employee absorbed in the Indian Audit and Accounts Department, the provisions of

this rule shall apply in such manner as the Government may in consultation with the Comptroller and Auditor General prescribe

(4) A transferred employee who fails to exercise any option by the date specified by Government under sub rule (1) or who in the opinion of the Government has exercised his option ambiguously shall be treated as an optee for the Central Rules

(5) A transferred employee who before the publication of rules has retired from service shall also be eligible to exercise the option provided that he was in service on the relevant date

7 *Initial pay*—A transferred employee, who elects the Central Rules shall have his initial pay fixed in the appropriate grade or post on the Central scales of pay in accordance with such orders as may be issued by Government

Explanation—Central scales of pay means the Prescribed scale specified in the Central Civil Services (Revision of Pay) Rules 1947

8 *Duration of applicability of State Rules*—A transferred employee who elects to be governed by the State Rules in accordance with rule 6 shall continue to be governed by those rules

Provided that subject to the next succeeding proviso such an employee on promotion to a higher post shall be brought on the Central Rules finally and his pay in higher post shall be fixed under the Fundamental Rules his substantive pay drawn under the State Rules on the date of promotion being taken as the substantive pay for such purpose

Provided further that such an employee may if he so desires on promotion elect to be regulated by the State Rules as applicable to the post held by him on the relevant date and option so exercised shall be treated as final for so long as he continues to hold the post to which he has been promoted or an equivalent post

8A *Further option for the revised scale of pay*—(1) Notwithstanding anything contained in these rules a transferred employee who under rule 6 or the second proviso to rule 8 had elected to be governed by the State Rules may opt for the revised scale of pay under the Central Civil Services (Revised Pay) Rules 1960 and on his so opting his pay shall be fixed¹ in accordance with those rules

(2) The option under sub-rule (1) shall be exercised in writing so as to reach the authority specified in rule 9 of the Central Civil Services (Revised Pay) Rules 1960 on or before the 30th June 1962

(3) If the declaration regarding option is not received by the authority concerned on or before the date specified in sub-rule (2)

the transferred employee shall be deemed not to have opted for the revised scale of pay

(4) The option once exercised shall be final

[GIMF Notification No F 12(29) Est. (Spl)/61, dated the 23rd February, 1962]

9. *Leave and Pension*—(1) A transferred employee who elects the Central Rules or who opts for the revised scale of pay under sub Rule (1) of Rule 8A shall be subject to the Revised Leave Rules, 1933, as amended from time to time. The leave to be carried forward on the relevant date shall be in accordance with such orders as may be issued by Government. Government shall also issue orders as to how leave taken in the pre absorption period shall count for pension

(2) A transferred employee who elects the Central Rules or who opts for the revised scale of pay under sub rule (1) of Rule 8A shall be subject to the Revised Pension Rules as applicable to post 1938 entrants as amended from time to time and all the permanent or temporary service rendered by him under the State Government prior to absorption shall be treated as permanent and temporary service rendered under Government.

Provided that a transferred employee who was subscribing to a Contributory Provident Fund shall be brought on to pensionable service under Government and thereafter he shall not be allowed to subscribe to the Contributory Provident Fund. The Government may issue orders regarding the extent to which past service shall count towards pension

Explanation—For the purpose of this sub-rule, the expression All the permanent or temporary service rendered by him under the State Government prior to absorption shall mean the total length of service, whether permanent or temporary rendered by a transferred employee in any Accessing State, a Union of States and a Part B State prior to the date of such absorption

(3) A transferred employee who elects the Central Rules or who opts for the revised scale of pay under sub rule (1) of Rule 8A shall be eligible to the benefits of commutation of pension under the Civil Pension (Commutation) Rules read with the Revised Pension Rules promulgated in the Ministry of Finance Office Memorandum No F 3 (1) Est. (Spl)/47, dated the 17th April, 1950, as amended from time to time (last Appendix)

(4) For the purpose of determining the age of retirement for ministerial Government servants, the provisions of Fundamental Rule 56(b)(v) shall apply

10. *Savings*—These rules shall not apply to—

(a) employees in Railways,

- (b) employees paid from the Defence Services Estimates
- (c) employees engaged on contract
- (d) employees not in whole time employment of State,
and
- (e) employees paid out of contingencies.

APPENDIX, XV

UNIVERSITY GRANTS COMMISSION (TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES) RULES 1958

1 *Short title and commencement*—(1) These rules may be called the University Grants Commission (Terms and Conditions of Service of Employees) Rules, 1958

(2) They shall come into force at once

2 *Definition*—In these rules unless the context otherwise requires Commission means the University Grants Commission established under S 4 of the University Grants Commission Act 1956

3 *Appointment of staff*—The Commission may appoint such number of officers and other employees as may be determined by it (subject to the general financial limits in the budget accepted by the Central Government in the Ministry of Education) provided that no post the maximum remuneration of which exceeds Rs 2 000 per mensem shall be created by the Commission without the prior sanction of the Central Government

4 *Recruitment of staff*—(1) Recruitment to all posts under the Commission shall be made (a) by direct recruitment by advertisement or through the Employment Exchange or (b) by promotion or (c) by transfer from other Government or semi Government offices or Universities

(2) A Selection Committee shall be appointed by the Commission for the selection of staff by direct recruitment and by promotion

(3) The Commission shall observe except in the case of officers requiring special qualifications the rules relating to reservation of posts for Scheduled Castes Scheduled Tribes and other Backward Classes as laid down by the Central Government from time to time in this behalf

(4) Recruitment to all posts under the Commission shall normally be made subject to the production of a medical certifi

cate of physical fitness in accordance with such standards as may be laid down for posts of corresponding status under the Central Government and after verification of the character and antecedents of the persons concerned though the latter condition may be relaxed in cases where the Commission considers such relaxation necessary

5 *Contributory Provident Fund*—There shall be established a Contributory Provident Fund for the benefit of the employees of the Commission, the rules of which shall be formulated by the Commission with the prior approval of the Central Government

6 *Allotment of residential accommodation*—The employees of the Commission shall be eligible for allotment of the Government residential accommodation in the general pool at New Delhi on the same terms as are admissible to Central Government servants

7 *Admission to Contributory Health Service Scheme*—The employees of the Commission shall be admitted to the benefit of the Contributory Health Service Scheme on terms laid down by the Government of India in this behalf

8 *Retirement*—The age of retirement of the employees of the Commission shall be 55

Provided that, in special cases, the Commission may extend the service for one year at a time for a total period of five years:

Provided further that a person recruited from a University or a similar body may be allowed to carry his condition of service relating to the age of retirement which was applicable to him in his previous post in the University or a similar body to his new post in the Commission

9 *Other terms and conditions of service*—The other terms and conditions of service of officers and other employees of the Commission shall be such as may be laid down by the Commission by regulations made under S 26(1)(c) of the University Grants Commission Act, 1956

APPENDIX XVI

DELHI & HIMACHAL PRADESH CIVIL SERVICE RULES, 1961

PART I—GENERAL

1. *Short title*—These rules may be called the Delhi and Himachal Pradesh Civil Service Rules, 1961

2 *Definitions*—In these rules, unless the context otherwise requires—

- (a) "administrator" means the administrator appointed under Article 239 of the Constitution for the Union territory of Delhi or Himachal Pradesh, as the case may be,
- (b) "Commission" means the Union Public Service Commission,
- (c) "duty post" means any post specified in Schedule I and includes a temporary post carrying the same designation as any of the posts specified in that Schedule and the scale of pay of which is identical to that attached to Grade II of the Service and, any other temporary post declared as duty post by the Central Government,
- (d) "member of the Service" means a person appointed in a substantive capacity to either grade of the Service and includes a person appointed on probation to Grade II of the Service,
- (e) "Schedule" means a Schedule appended to these Rules,
- (f) "Service" means the Delhi and Himachal Pradesh Civil Service

3 *Constitution of Service and its classification*—(1) There shall be constituted a Central Civil Service to be known as the Delhi and Himachal Pradesh Civil Service

(2) The Service shall have two grades, namely,—

- (i) Grade I (Selection Grade)
- (ii) Grade II

(3) The posts in Grade I shall be Central Civil Posts, Class I Gazetted and those in Grade II shall be Central Civil Posts, Class II Gazetted

PART II—AUTHORISED STRENGTH

4 *Strength of the Service*—(1) The authorised permanent strength of the Service and the posts included therein shall be as specified in Schedule I

(2) The number of selection grade posts in the Service shall be 6·4 per cent of the authorised permanent strength of the Service

(3) The Central Government or the administrator subject to such conditions and limitations as may be prescribed by the Central Government, may, by order, create duty posts for such period as may be specified therein

PART III—METHOD OF RECRUITMENT

5 *Method of Recruitment*—(1) Save as provided in rule 17, appointment to the Service shall be made by the following methods, namely,—

- (a) not more than 50 per cent of the substantive vacancies which occur from time to time in the authorised permanent strength of the Service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and
- (b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst—
 - (i) officers who are substantively borne on the cadre of Tehsildars employed in either of the Union territory of Delhi or Himachal Pradesh, and
 - (ii) officers who hold substantively any of the posts mentioned in Schedule II, Parts A and B:

Provided that for a period of three years from the constitution of the Service if a sufficient number of suitable officers is not available under clause (b) the requisite number of officers may, in consultation with the Commission, be appointed to the Service by transfer of members of a State Civil Service or other service:

Provided further that nothing in this rule shall preclude the Central Government from holding a vacancy in abeyance, or filling it on an officiating basis in accordance with the provisions in Part VIII of these rules

(2) If the exigencies of service so require, the Central Government may, in consultation with the Commission, vary the percentage of vacancies to be filled by each method specified in sub-rule (1)

PART IV—DIRECT RECRUITMENT

6 *Competitive examination*—(1) A competitive examination for direct recruitment to the Service shall be held at such intervals as the Central Government may, in consultation with the Commission from time to time, determine. The dates on which and the places at which the examination shall be held shall be fixed by the Commission

(2) The qualifications for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Central Government may, from time to time, issue in this behalf in consultation with the Commission

7. *Nature of examination*—Until otherwise decided by the Central Government, in consultation with the Commission, the competitive examination for recruitment to the Service shall be the same as the combined competitive examination held by the Commission for recruitment to the Indian Administrative Service/Indian Police Service/Central Services—Class I.

8. *Decision of the Commission to be final*—The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

9. *Commission to forward a list in order of merit*—The Commission shall forward to the Central Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine, and of the candidates belonging to the Scheduled Castes and Scheduled Tribes who though not qualified by that standard are declared by the Commission to be suitable for appointment in the Service with due regard to the maintenance of efficiency of administration.

10. *Physical fitness*—No candidate shall be appointed in the Service unless he is declared after such medical examination as the Central Government may prescribe, to be in good mental and bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the Service.

11. *Inclusion in the list not to confer right to appointment*—The inclusion of a candidate's name in the lists referred to in rule 9 confers no right to appointment unless the Central Government is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respects for appointment in the Service and an actual offer of appointment is made.

12. Subject to the provisions of these rules, the candidates included in the lists referred to in rule 9 shall be appointed to the Service in order of merit.

PART V—RECRUITMENT BY SELECTION

13. *Constitution of Selection Committee*—Recruitment under clause (b) of sub-rule (1) of rule 5, shall be made on the recommendation of a Selection Committee (hereinafter called the Committee), consisting of—

- (i) the Chairman or a Member, of the Commission—*Chairman, Members*
- (ii) an officer not below the rank of Joint Secretary in the Ministry of Home Affairs,

- (iii) the Chief Secretary to the Delhi Administration,
- (iv) the Chief Secretary to the Himachal Pradesh Administration

14 *Conditions of eligibility and procedure for selection—*

(1) The Committee shall consider from time to time the cases of officers eligible under clause (b) of sub rule (1) of rule 5, who have served in the respective cadre or posts for not less than two years, as the case may be, and prepare a list of officers recommended taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the Service with due regard to seniority.

(2) The names of persons included in the list shall be arranged in order of merit.

(3) The list so prepared shall be forwarded by the Committee to the Central Government.

15 *Consultation with the Commission—*(1) The list prepared under rule 14 shall be forwarded by the Central Government to the Commission where consultation with the Commission is necessary, or where the Chairman of the Committee desires that a reference be made to the Commission, along with the relevant records.

(2) If the Commission considers it necessary to make any changes in the list received from the Central Government the Commission shall inform the Central Government of the changes proposed.

(3) The list shall finally be approved by the Central Government after taking into account the changes, if any, proposed by the Commission.

(4) The list thus finally approved shall ordinarily be in force until a fresh list is prepared for the purpose in accordance with these rules.

16 *Appointment to Service—*Appointment to Service shall be made in order of merit in the list referred to in sub rule (4) of rule 15 with due regard to the proportion specified in rule 5.

PART VI—INITIAL CONSTITUTION OF SERVICE

17 *Initial appointment of persons to the Service—*(1) The Central Government may, at the commencement of these rules, appoint to the Service any person who at such commencement is

holding—

(a) any of the posts specified in Schedule I, or

(b) any equivalent post in the State of Punjab or Uttar Pradesh.

Provided that the appointment to the Service of those officers who belong to, or are on deputation from, a service under the Central or a State Government shall be made with their consent and the concurrence of the Department or Government, as the case may be, to which they belong:

Provided further that the appointment of persons referred to in clause (b) shall be made only if sufficient number of suitable persons referred to in clause (a) are not available

Explanation—For the purpose of this sub-rule, a person who would have held a post mentioned in clause (a) or clause (b) but for his being on leave or on foreign service or but for his temporary or officiating appointment to an equivalent or higher post, shall be deemed to be holding such a post.

(2) (i) For the purpose of appointment of persons referred to in clause (a) of sub-rule (1), the Central Government may require the Committee to make a preliminary selection from among the officers referred to in that clause of such of them who in its opinion are suitable for appointment to the Service. The names of officers so selected shall be arranged by the Committee in order of merit with due regard to seniority

(ii) The list prepared under clause (i) shall be forwarded by the Committee to the Central Government. Thereupon the Central Government shall forward the same to the Commission along with the relevant records.

(iii) If the Commission considers it necessary to make any changes in the list received from the Central Government, the Commission shall inform the Central Government of the changes proposed.

(iv) The list shall finally be approved by the Central Government after taking into account the changes, if any, proposed by the Commission

(3) (i) For the purpose of appointment of persons referred to in clause (b) of sub-rule (1), the Central Government may obtain from the State Governments concerned lists of suitable officers who are willing to be considered for appointment to the Service

(ii) The Central Government may require the Committee to make a preliminary selection from among the officers included in the lists referred to in clause (i) and recommended such of them, who in its opinion are suitable for appointment to the Service.

The names of such officers shall be arranged by the Committee in order of merit with due regard to seniority 1 1

(iii) The procedure prescribed in clauses (ii) and (iii) of sub-rule (2) shall be followed and the list shall finally be approved by the Central Government after taking into account the changes, if any, proposed by the Commission.

(4) Initial appointment to Service shall be made in order of merit of persons included in the finally approved lists referred to in clause (iv) of sub-rule (2) and clause (iii) of sub-rule (3) subject to the provisions of the second proviso to sub-rule (1)

PART VII—APPOINTMENT, PROBATION, TRAINING AND CONFIRMATION

18 *Appointments*—All appointments to Service shall be made to Grade I or Grade II of the Service and not against any specific post included in the Service

19 *Disqualification*—(a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the lifetime of such spouse, shall be eligible for appointment to service, and

(b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service

Provided that the Central Government may if satisfied that there are special grounds for so ordering, except any person from the operation of this rule

20 *Special provision for Scheduled Castes and Scheduled Tribes*—Appointments to Service made by direct recruitment shall be subject to orders regarding special representation in the Services for Scheduled Castes and Scheduled Tribes issued by the Government of India from time to time

21 *Period of probation*—(1) Every person appointed under rule 5 or rule 17 to Grade II of the Service shall be on probation for a period of two years.

(2) The Central Government may in the case of any person extend or reduce the period of probation.

(3) A person on probation shall be liable to be discharged from service at any time without assigning any reason provided that if he holds a lien on any permanent post under the Central Government, or a State Government he shall be liable to be reverted to that post.

(4) A person on probation who holds a lien on any permanent post under the Central or a State Government may, if he so desires during the period of probation, have the option to revert back to his parent Department/Government after giving such notice as may be prescribed by the Central Government

22 *Training and departmental examinations*—A person appointed under rule 5 or rule 17 to the service shall undergo such training and pass during the period of probation such departmental examinations as the Central Government may from time to time prescribe

Provided that the Central Government may exempt, subject to such conditions as it may impose, either wholly or partly from such training or departmental examinations, any person appointed under the first provision to sub rule (1) of rule 5 or rule 17

23 *Confirmation in Service*—A person who has been declared to have satisfactorily completed his period of probation may be confirmed in the Service

PART VIII—OFFICIATING APPOINTMENTS

24 *Selection for officiating appointments*—If at any time the Central Government is of the opinion that the number of officers available in the list referred to in sub rule (4) of rule 15 for appointment to duty posts is not adequate having regard to the vacancies in such posts, it may direct the Committee to consider the case of officers who have officiated for a period of not less than three years in a post of Tehsildar or in any other posts mentioned in Schedule II, Parts A and B, and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub rules (2) and (3) of rule 14 and rule 15 shall apply *mutatis mutandis* in the preparation of the selection list under this rule

25 *Officiating appointment to Service*—(1) If a member of the Service is not available for holding a duty post, the post may be filled on an officiating basis—

- (a) by the appointment of an officer included in the list referred to in sub-rule (4) of rule 15 or
- (b) if no such officer is available, by the appointment of an officer included in the list prepared under rule 24

(2) Notwithstanding anything contained in these rules, if the exigencies of service so require a duty post for which a member of the Service is not available, may be filled on an officiating

basis by the appointment with prior consultation with the Commission of an officer belonging to a State Civil Service on deputation for such period or periods ordinarily not exceeding three years.

(3) Notwithstanding anything contained in these rules, where appointment to a duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the administrator from persons who are included in the list prepared under sub rule (4) of rule 15 or rule 24 or who are eligible for inclusion in such a list

(4) Any appointment made under sub rule (3) shall be reported by the administrator to the Central Government forthwith

PART IX—MISCELLANEOUS

26 *Allocation of members of Service*—The Central Government shall allocate the members of the Service to the Administrations of the Union territories of Himachal Pradesh and Delhi for being posted under the respective Administrations:

Provided that a member of the Service so allocated to one Administration may at any time be transferred by the Central Government to the other Administration

27 *Posting of members of the Service*—Every member of the Service allocated to an Administration shall, unless he is appointed to an ex cadre post, or is otherwise not available for holding a duty post owing to the exigencies of service, be posted against a duty post under the Administration by the Administrator concerned

28 *Duty post to be held by a member of service*—Every duty post shall be held by a member of the Service or an officer appointed to officiate under Part VIII of these rules

29 *Seniority*—The Central Government shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below:

- (a) In the case of persons appointed on the result of competitive examination, and by selection under clause (b) of sub-rule (1) of rule 5, seniority in the Service shall be determined by the order in which appointments are made to the Service:

Provided that—

- (a) persons recruited on the results of the competitive examination in any year shall be ranked *inter se* in the order of merit in which they are placed at the

competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of later examination,

- (b) the relative seniority *inter se* of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 14

- (ii) The seniority of members of the Service appointed by transfer under the first proviso to sub rule (1) of rule 5, and of those appointed at the initial constitution of the Service in accordance with the provisions of Part VI of these rules, shall be determined *ad hoc* by the Central Government in consultation with the Commission, due regard being had to the posts previously held by them under the Central Government/State Government and the length of Service rendered by them therein

Provided that in the case of persons appointed under the first provision to sub rule (1) of rule 5 or the first proviso to sub rule (1) of rule 17, if two or more persons belonging to the same parent service or Department are thus appointed, they shall be ranked *inter se* in the order of their relative seniority in the parent service or Department, as the case may be

- (iii) The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5

30 *Pay and Allowance*—(1) The scales of pay attached to the Service shall be as follows

- (i) Grade 1—(Selection Grade) Rs 900—50—1 200
 (ii) Grade II—Time Scale Rs 300—30—510—E B—30—600—40—720—E B—40—800—50—850

(2) A person recruited on the results of competitive examination shall on appointment to the Service, draw pay at the minimum of the time scale. The pay and increments in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules

Provided that it shall be open to the President to determine the pay of any member of the Service in such manner as the President deems fit if the special circumstances of his case so require

(3) *Dearness and other allowances* shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time

31 *Appointment to Selection Grade*—(1) Appointments of members of the Service to the Selection Grade shall be made in consultation with the Commissions on the basis of merit with due regard to seniority

(2) An officer with a minimum of 12 years' service in Grade II shall be eligible for being considered for appointment to the Selection Grade

Provided that service in a duty post or an equivalent post or in a State Civil Service shall count towards the twelve year period

Provided also that where a person is considered for such appointment all persons senior to him in Grade II shall also be considered irrespective of the fact whether or not they fulfil the requirement as to the minimum of 12 years' service

32 *Regulations*—The Central Government may make regulations or issue instructions, not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules

33 *Residuary matters*—In regard to matters not specifically covered by these rules or by regulations or orders issued there under or by special orders the members of the Service shall be governed by the rules regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union

Provided that any power exercisable by the Central Government under such rules regulations and orders may be delegated by it to the Administrator subject to such conditions as it may prescribe

34 *Interpretation*—If any question arises relating to the interpretation of these rules the matter shall be referred to the Central Government whose decision thereon shall be final

PART X—TRANSITIONAL ARRANGEMENTS

35 *Transitional provision*—(1) On and after the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers appointed thereto as if these rules have not come into force

(2) This rule shall cease to be in force after a period of two years from the date of such commencement.

SCHEDULE I

(See rules 4 and 17)

The authorised permanent strength of the Service and the nature of the posts included in it are as follows:

Sanctioned Strength

1	Specific posts under Delhi Administration	42
2	Specific posts under Himachal Pradesh Administration	42
3	Deputation, leave and training reserves	28
	Total	<u>112</u>

The above figures include the following posts:

(a) DELHI ADMINISTRATION

1	Assistant Commissioner, Sales Tax	1
2	Deputy Registrar of Co-operative Societies	1
3	Assistant Director, Civil Supplies	1
4	Additional District Magistrate	1
5	Under Secretary	3
6	Assistant Development Commissioner	1
7	Revenue Assistant	1
8	Land Acquisition Collector	2
9	District Collection Officer	1
10	Magistrate I Class	20
11	Deputy Employment Officer/Sub-Regional Employment Officer/Employment Liaison Officer	2
12	Deputy Director of Panchayats	1
13	Sales Tax Officer/District Excise Officer/Entertainment Tax Officer/Collector of Stamps and District Stamp and Registration Officer	5
14	Housing Officer	1
15	Harijan Welfare Officer	1
	Total	<u>42</u>

(b) HIMACHAL PRADESH ADMINISTRATION

1	Director of Land Records	1
2	Deputy Registrar (Development) Co-operative Societies	1

3	Deputy Registrar, Co-operative Societies	1
4	Extra Assistant Settlement Officer	1
5	Under Secretary	3
6	Extra Assistant Commissioner (Executive)	25
7	Land Acquisition Officer	1
8	Marketing Officer	1
9	Deputy Director of Panchayats	1
10	Assistant Excise and Taxation Commissioner/ Excise and Taxation Officer	1
11	Assistant Registrar (Education), Co-operative Societies	1
12	Assistant Director of Industries/District Industries Officer	2
13	Assistant Director of Panchayats	1
14	District Co-operative and Supplies Officer	1
15	Private Secretary to Lieut. Governor	1
Total		<hr/> 42 <hr/>

(c) RESERVES

1	Deputation Reserve at 12½% of 84	11
2	Leave Reserve at 10% of 84 and Training Reserve at 10% of 84	17
		<hr/> 28 <hr/>
Total		<hr/> 112 <hr/>

SCHEDULE II

(See Rules 5 and 24)

PART A**POSTS IN DELHI ADMINISTRATION**

- 1 Assistant Registrar Co-operative Societies
- 2 Civil Supplies Officer
- 3 Block Development Officer
- 4 Assistant Employment Officer
- 5 Assistant Sales Tax Officer
- 6 Superintendent

PART B**POSTS IN HIMACHAL PRADESH ADMINISTRATION**

- 1 Block Development Officer
- 2 District Panchayat Officer
- 3 Assistant District Industries Officer
- 4 Superintendent

- (c) Defence Services (Civilian), Class III (hereinafter referred to as Class III Services)
- (d) Defence Services (Civilian), Class IV (hereinafter referred to as Class IV Services)

(2) Unless otherwise directed by any general or special orders of the Government—

- (a) Defence Services (Civilian) Class I, shall consist of all posts whose pay, if fixed or the maximum of whose pay, if on a time scale, is not less than Rs 850 per mensem and posts included in Schedule I
- (b) Defence Services (Civilian) Class II, shall consist of all posts which are not included in clause (a) above and whose pay if fixed, or the maximum of whose pay, if on a time scale, is not less than Rs 500 per mensem and posts included in Schedule II
- (c) Defence Services (Civilian) Class III, shall consist of all posts not included in clauses (a) and (b) above and whose pay, if fixed or the maximum of whose pay, if on a time scale, exceeds Rs 60 per mensem and post included in Schedule III
- (d) Defence Services (Civilian) Class IV, shall consist of all posts which are not included in clauses (a) (b) and (c) above

Explanation—For the purpose of this rule only the prescribed scale attached to the posts shall be taken into consideration and not pre 1931 scales of pay

10 All first appointments to Class I and Class II services shall be made by the Government. All first appointments to Class III and Class IV services shall be made by the authorities specified in column 3 of Schedule IV in respect of posts mentioned against them or by officers empowered in this behalf by such authorities

11 The rules regulating the method of recruitment to Class I and Class II services shall be made by the Government. Rules regulating method of recruitment to Class III and Class IV services shall be made by the authorities mentioned in column 3 of Schedule IV in respect of posts mentioned against them, with the prior approval of the Government.

SECTION III—CONDUCT AND DISCIPLINE

12 The rules regulating conduct of the members of the Class I and Class II services shall be made by the Government. The

respect of any person who holds a pensionable post or a permanent whole-time post

5 If any doubt arises as to whether these rules apply to any person, the matter shall be referred to the authority which appointed him and the decision of that authority shall be final

6 Where by these rules, power is delegated to or conferred upon any authority to make rules regulating the methods of recruitment or discipline and conduct of any class of Government servants the rules, notifications and orders by whatsoever authority made regulating these matters in respect of that class of Government servants which were in operation on the day these rules were made shall remain in operation except in so far as they may be inconsistent with these rules or may be specifically cancelled or modified in exercise of the aforesaid power by the authority to which it is delegated

7 Nothing in these rules or in any rules made thereunder shall operate to deprive any person of any right or privilege to which he is entitled—

- (a) by or under any law, or
- (b) by the terms of any contract or agreement subsisting between such person and the Government on the date these rules come into force

8 Where in the opinion of the Government it is necessary to make any special provision relating to the conditions of service of any person subject to these rules it shall be lawful for the Government to make such provision in an agreement entered into with such person and where any such provision is so made it shall have effect notwithstanding that it is inconsistent with these rules or any rules made thereunder

Provided that every such agreement shall contain a provision to the effect that in respect of matters for which no provision is made in the agreement the provisions of these rules or of rules made thereunder shall apply

SECTION II—CLASSIFICATION

9 (1) All civil services under the Ministry of Defence in respect of which these rules apply shall be classified as follows.

- (a) Defence Services (Civilian), Class I (hereinafter referred as Class I Services)
- (b) Defence Services (Civilian), Class II (hereinafter referred to as Class II Services)

Government of India's order

The question whether the imposition of the penalty of withholding increment(s) provided for in Rule 13 of the CDS (CC & A) Rules, 1952, will affect only the officiating pay of a Government servant who may be holding a substantive post at the time when such an order is passed or it should as well affect the substantive pay of the post held by him substantively, has been under the consideration of Defence Ministry. It has been decided that in a case where a Government servant is officiating in a higher post and is also holding a lower substantive post the disciplinary authority is competent to impose the penalty of withholding of increments in the scales of pay of both the substantive and officiating posts, as a result of the disciplinary proceedings initiated against him. The orders passed by the punishing authority should, therefore, clearly state the intention in this regard, in each case.

[G I M Defence No. 15/8/61/4821/D (Lab) dated the 24th October 1961]

14' (1) Any of the penalties specified in rule 13 may be imposed on any person subject to these rules by the Government or by the appointing authority

(2) Without prejudice to the provisions of sub-rule (1) any of the penalties specified in clauses (i) (ii) or (iv) of rule 13 may be imposed—

(a) in the case of members of Class II Services holding any of the posts specified in column 2 of Schedule IV, by the authorities specified in the corresponding entry in column 4 of the said Schedule,

(b) in the case of members of Class III and IV Services by the authority empowered in this behalf by the appointing authority

Explanation—In this rule, the expression 'appointing authority' includes an officer empowered under rule 10 to make first appointments to Class III and Class IV Services

†14A (i) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Government in that behalf may place a person under suspension—

(a) where disciplinary proceedings against him are contemplated or are pending, or

(b) where a case against him in respect of any criminal offence is under investigation or trial.

†(C I M of Defence Memo No. 15(14)/61/5866/D (Lab) dated the 31st August 1961]

rules relating to the conduct of members of Class III and Class IV services shall be made by the authorities specified in column 3 of Schedule IV in respect of posts shown against them with the approval of the Government

13 The following penalties, may, for good and sufficient reasons and as hereinafter provided, be imposed upon persons subject to these rules namely—

- (i) Censure
- (ii) Withholding of increments or promotion
- (iii) Reduction to a lower post or time-scale or to a lower stage in a time scale
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders
- (v) Removal from the civil service of the Government, which does not disqualify from future employment
- (vi) Dismissal from the civil service of the Government which ordinarily disqualifies from future employment
- (vii) Compulsory retirement

Explanation I—The termination of employment—

- (a) of a person appointed on a probation during or at the end of the period of probation in accordance with the terms of the appointment and the rules governing the probationary service, or
- (b) of a temporary Government servant, appointed otherwise than under contract in accordance with rule 5 of the Civilians in Defence Services (Temporary Service) Rules, 1949, or
- (c) of a person engaged under a contract, in accordance with the terms of his contract within the meaning of this rule or of rule 15,

does not amount to removal or dismissal

Explanation II—Stopping a person at an efficiency bar in the time scale of his pay on the ground of his fitness to cross the bar does not amount to withholding of increments or promotion with in the meaning of this rule

Explanation III—Compulsory retirement of a person in accordance with the provisions relating to his superannuation or retirement does not amount to a penalty within the meaning of this rule

tion in a criminal court or by a Court Martial) unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an oral enquiry shall be held. At that enquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross examine the witnesses to give evidence in person and to have such witnesses called, as he may wish provided that the officer conducting the enquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof. On completion of the enquiry after the authority empowered to impose the penalty has considered the defence and arrived at a provisional conclusion in regard to the penalty to be imposed the person charged shall, if the penalty is dismissal, removal, compulsory retirement or reduction, be called upon to show cause within a reasonable time, not ordinarily exceeding a fortnight, against the particular penalty to be imposed. Any representation submitted by the person charged shall be duly taken into consideration before final orders are passed.

This rule, shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

Government of India's order

A Government servant who is required to perform a journey to attend a departmental enquiry (other than a police enquiry) held against him under rule 15 of *Civilians in Defence Services (Classification Control and Appeal) Rules, 1952*, at a station other than his headquarters, may be allowed travelling allowance as for a journey on temporary duty from his headquarters to the place where the departmental inquiry is held and back. No travelling

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made

- (ii) A person who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.
- (iii) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a person under suspension is set aside, in appeal or on review, under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders
- (iv) Where a penalty of dismissal removal or compulsory retirement from service imposed upon a person, is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the punishing authority on a consideration of the circumstances of the case decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the person shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.
- (v) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate

15 Without prejudice to the provisions of the Public Servants' Inquiries Act, 1850, no order of dismissal, removal, compulsory retirement or reduction shall be passed on a member of a service (other than an order based on facts which had led to his conviction)

authority—

- (a) imposing upon him any of the penalties specified in rule 13,
- (b) terminating his employment under rule 17,
- (bb) stopping him at an efficiency bar in the time scale of his pay on the ground of his unfitness to cross the bar,
- (c) discharging him in accordance with the terms of his contract if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated,
- (d) reducing or withholding the maximum pension including an additional pension, admissible to him under the rules governing pensions

Provided that a person appointed by the Government shall have no right of appeal from an order passed by the Government

19 (1) Every person subject to these rules appointed by the Government may appeal to the Government from an order passed by an authority subordinate to the Government

(2) Every person subject to these rules appointed by an authority subordinate to Government may appeal as under —

- (a) In case the authority which appointed him is the one mentioned in column 3 of Schedule IV he may appeal to that authority from an order passed by an authority subordinate to it and to the Government from an original order passed by the authority which appointed him
- (b) In case the authority which appointed him is the one subordinate to that mentioned in column 3 of Schedule IV he may appeal to the authority which appointed him from an order passed by an authority subordinate to it and to the authority mentioned in column 3 of Schedule IV from an original order passed by the authority which appointed him

20 Every person subject to these rules shall be entitled to appeal to the authority which appointed him against any order passed by an authority subordinate to the said authority which—

- (a) alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service, or
- (b) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service pay, allowances or pension are regulated

allowance will, however, be admissible if the inquiry is held at the outstation at his own request.

The above provision will apply to Government servants as referred to above either on leave or under suspension, subject to the conditions that T A will be admissible to the place of inquiry either from his headquarters or from the place where he was on leave or was permitted to reside during suspension, whichever is less and will be regulated in accordance with the grade to which he belonged prior to his going on leave or suspension. Similar T A will be admissible for the return journey.

T A rules for witness attending departmental inquiry will continue to be governed by AI 324/61 as amended. However, civilian Government servants who are cited by the accused Government servants as witnesses and are summoned by the inquiry officer in a departmental inquiry to give evidence at a station other than the stations where the said witnesses are serving or residing, are not entitled to receive T A as the interests of the Government are not served by their evidence.

[Army Instruction No 314 dated the 6th August 1953.]

16 No order imposing the penalty specified in clause (i), (ii) or (iv) of rule 13 (other than an order based on facts which have led to his conviction in a criminal court or by a court martial or an order superseding him for promotion to a higher post on the ground of his unfitness for that post) on any Government servant to whom these rules are applicable shall be passed unless he has been given an adequate opportunity of making any representation that he may desire to make and such representation, if any, has been taken into consideration before the order is passed.

Provided that the requirements of this rule may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing them and where they can be waived without injustice to the officer concerned.

17 Where it is proposed to terminate the employment of a probationer whether during or at the end of the period of a probation for any specific fault or on account of his unsuitability for the service, the probationer shall be apprised of the grounds of such proposal and given an opportunity to show cause against it before orders are passed by the authority competent to terminate the employment.

SECTION IV—APPEALS

18 Every person subject to these rules shall be entitled to appeal, as hereinafter provided, from an order passed by any

- (ii) an appeal withheld on account only of failure to comply with the provisions of rule 22 may be resubmitted at any time within one month of the date on which the appellant was informed of the withholding of the appeal and if resubmitted in a form which complies with those provisions shall not be withheld.

(2) A list of all appeals withheld, if any, together with the reasons of withholding them shall be submitted every quarter by the withholding authority to the appellate authority

27. No appeal shall lie against the withholding of an appeal by a competent authority

28. Every appeal which is withheld under these rules shall be forwarded to the appellate authority by the authority against whose order the appeal is preferred with an expression of opinion

29. An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit

30. Notwithstanding anything contained in the foregoing provisions the Government may, of its own motion or otherwise, call for the record of any case in which an order has been made by an authority subordinate to it in the exercise of any power conferred on such authority by these rules, and

- (a) confirm, modify or reverse the order, or
- (b) direct that a further enquiry be held in the case, or
- (c) reduce or enhance the penalty imposed by the order, or
- (d) make such other order in the case as it may deem fit.

Provided that where it is proposed to enhance the penalty imposed by any such order, the Government servant concerned shall be given an opportunity of showing cause against the proposed enhancement

Provided further that this rule shall not apply to the case of a person who, having been appointed by the Secretary of the State or Secretary of State in Council to a Civil Service of the Crown in India, has on and after the commencement of the Constitution continued to serve under the Government of India

31. Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. To an appeal pending at the time when, or preferred after, these rules and rule 24 or rule 26 (as the case may be) and rule 25 shall apply as if the appeal were against an order appealable under these rules

21 Every person preferring an appeal shall do so separately and in his own name.

22 Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

23 In case of an appeal against an order imposing any penalty specified in rule 13 the appellate authority shall consider—

- (a) whether the facts on which the order was based have been established,
- (b) whether the facts established afford sufficient ground for taking action, and
- (c) whether the penalty imposed is adequate, inadequate or excessive, and after such consideration pass such order as it thinks proper.

Provided that if the appellate authority proposes to enhance the penalty imposed, it shall, before passing such order, follow the procedure appropriate to the imposition of penalty if such procedure has not already been followed

24 In the case of an appeal against an order under rule 20, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case

25 An authority from whose orders an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

26 (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if—

- (a) no appeal lies under these rules,
- (b) it is not preferred within six months of the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay,
- (c) it is a repetition of previous appeal,
- (d) it is not in accordance with rule 21 or 22,
- (e) it is addressed to an authority to which no appeal lies:

Provided that—

- (i) when an appeal is withheld the appellant shall be informed of the fact and reasons for it;

Serial No	Posts	Appointing Authorities in respect of Class III and Class IV posts (vide rule 10)	Authority empowered to impose penalties (i), (ii), and (iv) of rule 13 for Class II Officers (vide rule 14)
2	Posts at A F II Q	C A O in case of all posts except those borne on a common roster with posts in lower formations in which case the power will vest with the authority regulating appointment to such posts in the lower formations	Government of India
3	Posts in the office of D G O F	D G O F	D G O F
4	Posts in lower formations under D G O F	D G O F	D G O F
5	Posts in lower formations under A G s Branch	A G	D of O, D M S or J A G as the case may be
6	Posts in lower formations under G S Branch	C G S	D M T or D Sigs as the case may be
7	Posts in lower formations under Q M s Branch	Q M G	The Director concerned holding rank not below Brigadier
8	Posts in lower formations under E in C s Branch	E-in-C	C Es of the Commands
9	Posts in lower formations under D G A F M S	D G A F M S	D G A F M S
10	Posts in lower formations under D M L & C	D M L & C	D M L & C
11	Posts in lower formations under D L H & D	D L H & D	D L H & D
12	Posts in lower formations under D R D (A)/D R D (G)	(i) D R & D (A)/D R & D (G) for Class III selection posts (ii) Heads of T D Es (As H S P) for Class III non selection posts (iii) Heads of T D Es for Class IV posts	D R D (A)/D R D (G)

SCHEDULE I

[Vide rule 9 (2) (a)]

S No	Designation of appointment	Prescribed pay scale
1	Section Master, Prince of Wales' Military College, Dehra Dun	Rs 500-50 800 (Temporary measure for five years).
2	Lecturer, Joint Services Wing National Defence Academy, Dehra Dun	Rs 500-30 800.
3	Narrators	Rs 760 40 840

SCHEDULE II

[Vide rule 9(2) (b)]

1	Lecturer in School of Foreign Languages	On pay less than Rs 500
2	Cipher Compilation and Technical Assistant to J C B	Rs 200 10-300 15 450

SCHEDULE III

[Vide rule 9(2) (c)]

1	Foreman (Staff Assistant in Directorate General of O F)	Rs 300 (160) 20-500
2	Senior Scientific Assistant (Agricultural Chemistry) in the case of RIF Corps	Rs 250-10-300-15 450-25/2 500
3	Draughtsman (Grade I), Chief Draughtsman	Rs 300-20-500

SCHEDULE IV

[Vide rules 10, 11, 12, 14 and 19]

Serial No	Posts	Appointing Authorities in respect of Class III and Class IV posts (vide rule 10)	Authority empowered to impose penalties (i) (ii), and (iv) of rule 13 for Class II Officers (vide Rule 14)
1	2	3	4
1	Ministry of Defence Secretariat	C. A. O.	Government of India.

(3) These rules apply to all persons serving in connection with the affairs of the Union, but shall not apply to:—

- (i) railway servants as defined in section 3 of the Indian Railways Act, 1890;
- (ii) persons holding posts in the Railway Board who are subject to the Railway Service (Classification, Control and Appeal) Rules, and
- (iii) other persons holding posts under the administrative control of Railway Board or of the Financial Commissioner of Railways

2 In these rules:—

- (a) "Government servant" means any person to whom these rules apply.
- (b) "head of a department" means any authority who is the head of a department for the purpose of the Supplementary Rules; and
- (c) "the competent authority" means—
 - (i) in relation to a Government servant appointed by the head of a department or by an authority subordinate to the head of a department, the head of the department; and
 - (ii) in relation to any other Government servant, the President.

3 Where the President is of opinion that a Government servant is engaged in or is reasonably suspected to be engaged in subversive activities or is associated with others in subversive activities and that his retention in the public service is on that account prejudicial to national security, the President may make an order compulsorily retiring such Government servant from service.

4 Before an order under rule 3 is made:—

- (a) the competent authority shall by notice in writing inform the Government servant of the action proposed to be taken in regard to him and give him an opportunity to make to the President, within such period as may be specified in the notice, representation in writing against that action; and
- (b) the President shall take into consideration, the representation, if any, so made by him

5 Where action under these rules is proposed to be taken in regard to a Government servant, the competent authority shall place the Government servant under suspension:

Serial No	Posts	Appointing Authorities in respect of Class III and Class IV posts (vide rule 10)	Authority empowered to impose penalties (i), (ii), and (iv) of rule 13 for Class II Officers (vide rule 14)
13	Posts in lower formations under D O S	D O S	D O S
14	Posts in lower formations under D M E	D M E	D M E
15	Posts in lower formations under A F I O	A F I O	Government of India
16	Posts in lower formations under Naval Headquarters	Naval Secretary	Commodore-in-Charge, Bombay Commodore-in-Charge Cochin Naval O I C Vizagapatam, Captain Superintendent IND, Bombay, Chief Hydrographic Office, Dehra Dun
17	Posts in lower formations under Air Headquarters	Air Officer-in-Charge, Personnel and Organisation Air Headquarters	Air Officer-in-Charge, Personnel and Organisation Air Headquarters
18	Posts in lower formations under the Scientific Advisor	Scientific Adviser, Ministry of Defence	Government of India
19	Posts in lower formations under the Director, N C C	Director N C C	Director, N C C

Note—The term A F I O shall cover inter services organisations like the Joint Cypher Bureau, the Defence Science Organisation, the National Cadre Corps Directorate M L & C Directorate, the Lands and Harbours Directorate the Armed Forces Information Office and other Organisations working directly under the Ministry of Defence

[Army Instruction No 130 of the 27th July 1957]

APPENDIX XVIII

† CENTRAL CIVIL SERVICES (SAFEGUARDING OF NATIONAL SECURITY) Rules, 1953

I (1) These rules may be called the Central Civil Services Safeguarding of National Security) Rules, 1953

(2) The Civil Services (Safeguarding of National Security) Rules, 1949, are hereby cancelled.

† Notification No S R O 2242 dated the 5th December, 1953 and subsequent amendments

For the purpose of fixing the deputation (duty) allowance, the transfer of Government employees on foreign service to bodies (incorporated or not) wholly or substantially owned or controlled by the Government shall also be treated as 'deputation'.

- (ii) The deputation (duty) allowance shall be at a uniform rate of 20% of the employee's basic pay and be subject to a maximum of Rs. 300 per mensem, provided that the 'basic pay' plus the deputation (duty) allowance shall, at no time exceed Rs 3,000 per mensem

† The term 'Deputation (duty) Allowance' occurring in this Appendix should be deemed to be 'special pay' as defined in the Fundamentals' Rules

† [GIMF No P 10(24) E III/60, dated the 20th March, 1962]

'Basic pay' for the above purpose shall mean the pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of the officiating appointment in an employee's parent cadre; provided that the officiating appointment so held was not in a tenure post and it is certified by the appointing authority that but for the deputation the employees would have continued to hold the officiating appointment indefinitely.

'Special pay' drawn in a particular appointment shall be deemed as part of 'basic pay' only in the following circumstances:—

- (a) The appointment to which the special pay is attached is not a tenure appointment; and
- (b) (i) the special pay has been shown in the Schedule to the Central Civil Services (Revised Pay) Rules, 1960, or
- (ii) the special pay has been specifically sanctioned for the post, in addition to a scale of pay, in lieu of a separate scale of pay for the post.
- (iii) Any other special pay drawn by an employee in the parent department should not be allowed in addition to the Deputation (Duty) Allowance provided, however, that Government may, by general or special order, suitably restrict the Deputation (Duty) Allowance where, under special circumstances, the special pay drawn by an officer in a non tenure post in his parent cadre is allowed to be drawn, in addition to basic pay, in his deputation post.

Provided that if the Government servant so wishes the competent authority shall before placing him under suspension, permit him to proceed on such leave as may then be admissible to him

6 Nothing contained in the Central Civil Services (Conduct) Rules 1955 Part IV, V and VI of the Central Civil Services (Classification Control and Appeal) Rules 1957 or in Sections III and IV of the Civilian Defence Services (Classification, Control and Appeal) Rules 1952 shall apply to or in respect of any action taken or proposed to be taken under these rules

7 Any person compulsorily retired from service under rule 3 shall be entitled to such compensation pension gratuity or provident fund benefits as would have been admissible to him under the rules applicable to his service or post on the date of such retirement if he had been discharged from service due to the abolition of his post without any alternative suitable employment being provided

APPENDIX XIX

*TRANSFER OF CENTRAL GOVERNMENT EMPLOYEES TO OTHER GOVERNMENTS DEPARTMENTS COMPANIES CORPORATIONS ETC—DEPUTATION (DUTY) ALLOWANCE

The President has been pleased to decide that the following orders shall govern the grant of deputation (duty) allowance to Central Government employees transferred on deputation to other Governments departments or bodies (incorporated or not) wholly or substantially owned or controlled by the Government provided that the transfer is outside the regular line and is in the public interest —

- (i) The term deputation will cover only appointments made by transfer on a temporary basis. Appointments of serving Government servants made either by promotion or by direct recruitment in competition with open market candidates whether on a permanent or temporary basis will not be regarded as deputation. Similarly permanent appointments made by transfer will not also be treated as deputation. The question whether the transfer is outside the regular line will be one to be decided by the authority which controls the service or post from which the Central Government employee is transferred

* G I M F Memo No F 10(24) F III/60 dated the 4th May, 1961

mining the pay under the normal rules for this purpose in case of deputation to autonomous bodies, it may be assumed that the Government rules apply. The option once exercised shall be final except that on each occasion when such an employee receives *proforma* promotion in his parent department under the next below rule or is reverted to a lower grade in the parent department or is appointed to another grade in the new department, a fresh option shall be allowed to him.

Government of India's order

In accordance with paragraph 1(v) of this Appendix, an officer going on deputation/foreign service can either elect to draw pay in the scale of pay of the new post as may be fixed under the normal rules or his basic pay in the parent department plus special pay at 20% thereof. A question has however, arisen as to how the pay of a Central Government employee who is drawing pay in the revised scale as fixed under the Central Civil Services (Revised Pay) Rules, 1960 be fixed in the scale of pay of the new post which has not been revised on the pattern of the recommendations of the Second Pay Commission. It has been decided in consultation with the Comptroller and Auditor General of India that in such cases the pay of the Officer in his regular post may be notionally determined in the prescribed scale at the stage which he would have reached had he not elected the revised scales and his pay in the scale of pay of the new post should be fixed under the normal rules with reference to that notional pay.

[GIMF No F 7(61) Est III/61 dated the 15th December 1961]

- (vi) The deputation (duty) allowance admissible under the previous clauses shall further be so restricted that the basic pay of the employee in his parent department from time to time *plus* the deputation (duty) allowance does not exceed the maximum of the scale of pay of the post held on deputation or where the post on deputation has a fixed pay, that fixed pay. Where, subsequent to deputation this is not possible, by virtue of the basic pay of an employee itself exceeding the maximum of the scale of pay of the post or the fixed pay of the post, the deputation of the employee shall be restricted to a period of six months from the date on which his pay thus exceeds such maximum, and the employee should be reverted to his parent department. (It is obvious that under this clause no deputation (duty) allowance will be admissible to an employee from the date that his basic pay either equals or exceeds the maximum of the scale of the post which he holds on deputation)

Government of India's orders.

(1) The President has been pleased to decide in consultation with the Comptroller and Auditor General of India that Indian Audit and Accounts Service Officers holding posts of Assistant Comptroller and Auditor General, D A G (Admn), D A G (O A D) etc who are in receipt of special pay in the Audit Department may be allowed to draw the special pay while on deputation subject to the Comptroller & Auditor General certifying that but for deputation they would have continued to draw it in the parent Department. The rate of deputation (duty) allowance admissible to them will, however, be 15% of the basic pay only (instead of 20% as provided under para 1 (ii) above) subject to the condition that the amount of special pay admissible in the I A & A D plus the amount of Deputation (Duty) Allowance does not exceed Rs 300 p m. The other conditions of the order referred to above will apply *mutatis mutandis* to them.

These orders will have effect from 4th May, 1961

[GIMF No F 10(24) E III/60, dated the 15th June, 1961]

(2) In supersession of all previous orders on the subject, it has been decided that no special pay or deputation allowance should be allowed to the S A S Accountants who are deputed to work in the Indian Missions/posts outside India under the various Ministries or Departments of the Government of India including the Ministry of E A. In respect of the S A S Accountants already working in such posts the special pay/deputation allowance if any already sanctioned is withdrawn with effect from 1st April 1961.

[GIMF Memo No F 11(23) Est III/60 dated the 7th June, 1961]

Note—It has been decided in consultation with the Comptroller and Auditor General of India that the orders contained above will not apply to S A S personnel who were already on deputation abroad on the 1st April 1961 under the earlier terms for the period their term of deputation continues.

[GIMF Memo F 11 (23) Ests III/60 dated the 10th January, 1962]

- (iv) Personal pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in the deputation (duty) allowance, but will be absorbed in other increases in pay e.g. increments or increase of pay by promotion or for any other reasons.
- (v) An employee placed on deputation may elect to draw either the pay in the scale of pay of the new post as may be fixed under the normal rules or his basic pay in the parent department plus personal pay, if any, under para (iv) above plus deputation (duty) allowance. For deter-

which has been made in this Appendix) and standard terms cases of deputation of officers from the Centre to the State and vice versa are being referred to the Ministry of Finance for concurrence at present. The matter has been carefully examined and the decisions enumerated in the following paragraphs have been taken in this regard.

2 The system of filling of posts on deputation basis being an expensive one should be resorted to only in exceptional cases and with discretion. Normally there should be no case of deputation of ministerial servants except in the case of employees of the Accounts Department and class IV Government servants. The period of deputation should not ordinarily exceed one year at a time and should not normally be extended beyond three years.

3 The fixation of pay of Government servants transferred on deputation in the public interest as defined in this Appendix will be governed by the terms of that Appendix including any general or special orders issued under para 1 (iii) of this Appendix. In the case of transfers which are not in the public interest the pay of the officer will be fixed in the scale of the deputation post under the operation of the normal rules. In such cases if the minimum of the deputation post is substantially higher than the emoluments admissible to him in his parent department/State administrative authorities are expected to invoke the provisions of F R 35 and to restrict the pay of the officer suitably and the pay so fixed should be indicated in item 2 (ii) of the enclosure (Annexure).

4 The standard terms as given in the Annexure to this decision should normally be allowed to officers deputed from the Centre to the State Governments.

5 The services of State Government employees may also be obtained for employment under the Central Government on the pattern of similar terms to be mutually settled in consultation with the State Government concerned.

6 The President is further pleased to decide that the power of deputation in respect of non gazetted Government servants may be exercised by the Heads of Departments and that in respect of Gazetted Government servants by the Ministries of the Government of India subject to the condition that the transfer would be on the standard terms as given in the Annexure to this decision as referred to above. Cases in which any departure is involved will be required to be referred to the Ministry of Finance.

7 These orders will not apply to officers who are either holding supertime scale posts prior to their transfer or are transferred to supertime scale posts. In such cases the deputation

No employee whose basic pay at the time of his proposed deputation exceeds the maximum of the scale of pay of the new post or the fixed pay of the new post shall be deputed to such a post

Government of India's order

In accordance with Paragraph 1(vi) above the deputation (duty) allowance admissible to an officer placed on deputation shall be so restricted that the basic pay of the employee in his parent department from time to time plus the deputation (duty) allowance does not exceed the maximum of the scale of pay of the post held on deputation. A question has however arisen as to how the above restriction may be applied in respect of a Central Government employee whose pay has been revised with reference to the recommendations of the Second Pay Commission deputed to State Governments/Companies etc where the pay scales have not been so revised. It has been decided in consultation with the Comptroller and Auditor General of India that in such cases the basic pay of the officer in his parent department from time to time plus the deputation (duty) allowance plus Dearness allowance if any admissible should not exceed the maximum of the scale of pay of the post held on deputation in the State Government/Company plus Dearness allowance admissible on that pay under the relevant State/Company rules

{C I M F Memo No F 10(24) E III/60 dated the 3rd August 1962}

- (vii) The employee on deputation may be given the benefit of the next below rule subject (a) to the application of the conditions mentioned in sub paragraph (vi) above in regard to the regulation of the deputation (duty) allowance and (b) the reversion of the employee to the parent department where his basic pay as fixed under the next below rule exceeds the maximum of the scale of pay of the new post.
- (viii) Any project allowance admissible in a project area may be drawn in addition to the deputation (duty) allowance
- (ix) Where a special rate of deputation (duty) allowance is admissible under separate orders in any area on account of conditions of living there being particularly arduous or unattractive such special rate being more favourable than that under (ii) above employees deputed to the area will be given the benefit of the special rate

Government of India's order

In the absence of any specific delegation (except in the case of pay and deputation allowance, delegation in respect of

from time to time and the cost thereof will be borne by the borrowing Government

In this case of deputation of a State Government servant to the Central Government he will continue to avail of the leave travel concession on the scale and conditions contained in para 2(d) of Ministry of Home Affairs Memorandum No 43/5/57 Estt (A), dated the 4th September 1957

(9) **MEDICAL CONCESSIONS** He will be entitled to these concessions under the rules of the borrowing Government

In the case of deputation of a Central Government servant to a State Government, the State Government concerned may, however, if they so desire, apply the Central Government rules to such a deputationist

(10) **RESIDENTIAL ACCOMMODATION** He will be entitled to residential accommodation according to the rules of the Government to which he is deputed

No free house or free car will be allowed, nor any conveyance be provided at Government expense, unless such benefits are normally attached as a condition of service to the post to which he is deputed

(11) The deputation will commence on the date on which he hands over charge of post under the Government of India and end on the date on which he assumes charge of a post under that Government

2 The administrative Ministries will be competent to sanction the deputation on the terms specified above in respect of their employees and those in offices under them, sanction in respect of individual cases being issued by the Ministry transferring the employee or the Ministry borrowing the services of the employee, as may be appropriate in the circumstances of each case Any relaxation of these conditions and principles will require the prior concurrence of the Ministry of Finance Any orders under para 1 (iii) above will also require the concurrence of the Ministry of Finance

3 With a view to ensuring that no employee receives an abnormal pay increase because of his deputation, the authorities ordering the deputation will ensure that, where an employee is transferred on deputation the minimum pay of the scale of pay of the post to which such deputation is made is not substantially in excess of his basic pay plus deputation (duty) allowance at 20%. Where such minimum substantially exceeds the emoluments admissible under the alternative of drawing deputation (duty) allowance at 20%, the appointing authorities are expected to apply the provisions of Fundamental Rules 35 and specially restrict the pay of the deputationist to a suitable figure below the minimum pay of the post

Government of India's order

A question has been raised whether the application of the restriction of pay below the minimum of the scale of pay of the

terms will be settled in consultation with the Ministry of Finance in each case. These orders will not also affect the cases of deputation of Central Government employees to the States and vice versa where some special orders are already in existence.

ANNEXURE

SUBJECT STANDARD TERMS OF DEPUTATION FOR OFFICERS DEPUTED FROM CENTRE TO THE STATE GOVERNMENTS ETC

(1) PERIOD OF DEPUTATION years from
(Date to be given)

(2) PAY (i) (if the transfer is in the public interest as defined in the Ministry of Finance OM No F 10(24) E III/60, dated 4-3-61)

During the period of deputation, Shri will have the option either to get his pay fixed in the deputation post under the operation of the normal rules or to draw pay of the post held by him in his parent department plus a deputation (duty) allowance in accordance with and subject to the conditions of the Ministry of Finance Office Memorandum No 10(24) E III/60, dated the 4th May 1961, as modified from time to time and such other general or special orders issued by the Ministry of Finance under para 1 (ii) of that Office Memorandum.

(ii) (if the transfer is not in the public interest)

During the period of deputation Shri will be entitled to pay in the scale of the post of Rs due under the operation of the normal rules

(3) DEARNESS ALLOWANCE Shri will be entitled to dearness allowance under the rules of the parent Government or under the rules of the borrowing Government according as he retains his scale of pay under the parent Government or he draws pay in the scale attached to the post under the borrowing Government

(4) LOCAL ALLOWANCES like Compensatory (City) Allowance and H R A To be regulated under the rules of the borrowing Government

(5) JOINING TIME PAY & TRANSFER T A He will be entitled to T A and joining time both on joining the post on deputation and on reversion there from to the parent Government under the rules of the Government to which he is deputed. The expenditure on this account will be borne by the borrowing Government

(6) T A FOR JOURNEY ON DUTY during the period of deputation To be regulated under rules of the parent employer applicable to him before such transfer

(7) LEAVE AND PENSION During the period of deputation on temporary transfer he will continue to be governed by the leave and pension rules of the parent employer applicable to him before such transfer

The allocation of leave salary and pensionary charges will be regulated under the rules of allocation contained in Appendix 3 to Account Code, Volume I

(8) LEAVE TRAVEL CONCESSION He will continue to be entitled to leave travel concession under the Ministry of Home Affairs Office Memorandum No 43/1/55 Estt (II) P.T II, dated the 11th October, 1956, as amended

deputation post envisaged in para 3 above is to be watched by the borrowing authority or by the lending authority

This question has been considered carefully and it has been decided that the deputing authority should watch that an officer on deputation does not get an abnormal increase in pay on account of the deputation and should also decide the manner in which pay on deputation should be restricted. In the case of original deputation the exercise of such watch is not difficult. The lending authority can indicate the pay to be given. But difficulty will arise when a person already on deputation is promoted to another post by the borrowing authority. In such cases the borrowing authority should obtain the concurrence of the lending authority prior to the promotion so that the latter may decide how pay in the higher post should be regulated.

[G.I.M.F. No. F 10(24) Ex III/60 dated the 28th June, 1962]

4 The orders contained in this Appendix shall not apply to appointments on deputation to posts in the Central Secretariat such as Under Secretary, Deputy Secretary, Joint Secretary, Additional Secretary or Secretary. For these appointments the existing separate orders, as modified from time to time, will continue to apply.

5 These orders will, however, apply to the cases of appointment of employees of State Governments to posts in the Central Government. The cases of employees of the Central Government appointed on transfer to posts under the State Governments should also be regulated in accordance with these principles. Where, however, special orders already exist in respect of appointments of a specific category of employees to a specific class of posts, those orders will continue to apply instead of the orders contained in this Memorandum.

- 6 (a) These orders will apply to cases of deputation commencing hereafter.
- (b) Employees already on deputation on the date of issue of these orders will be treated as follows.—
- (i) They will all have the option to come over to the terms contained in this Appendix with effect from the date of these orders* provided that the option must be exercised within three months of the date of issue of these orders and once exercised shall be final.
- (ii) In respect of those who do not opt for the terms contained in this Appendix these terms will nevertheless apply in the following circumstances —
- (a) On the expiry of their present term of deputation, if the existing term is a specified one and is extended

elects to draw pay in the prescribed civil scale at the time of transfer. The option once exercised holds good so long as he remains in temporary civil employ. The terms relating to leave, accommodation, travelling allowance, pension awards and medical attendance are usually determined with reference to the nature of pay, i.e. Service or civil, which the officer elects to draw. The details of the terms when proceeding on (i) Service rates or (ii) civil rates of pay are set out in the accompanying Annexures II and III respectively.

3 The period of deputation of an officer, who draws service rates of pay and allowances and who is required to wear uniform while in civil employ reckons in full towards the qualifying period for drawal of renewal outfit allowance. If the allowance becomes due for payment during the period of deputation, the debit is raised, against the borrowing authority. If an officer drawing civil rates of pay and allowances during the period of deputation is required to wear uniform, it is open to the State Government/civil authority concerned to give him a suitable lump sum grant for the renewal of his outfit.

4 An officer on deputation to civil will retain his acting/temporary rank during the period of deputation, if, but for the deputation, he would have continued in that rank in the Army.

5 The officer while on deputation shall continue to be eligible to subscribe to the DSOP Fund and the normal Fund rules will apply to these officers.

6 An officer who is a member of the Army Officers' Contributory Education Fund Scheme, shall continue, during the period of deputation, to contribute to the Fund, in accordance with para 8 of the Army Order 366/60. The matching Government contribution in the case of such officers shall be paid by the borrowing civil employers. The liability for the payment of matching contribution will extend to the past period of deputation if any, during which the Scheme was in force.

(G.M.11A No 13(30) Est III/59 dated the 20th November 1962)

7 All cases where the services of officers of the Armed Forces are required by the State Governments, the procedure as set out in Annexure I may be followed. The terms which they proposed to offer, i.e. as per accompanying Annexure II and III, as the case may be, may also please be indicated. This will help in eliminating delay in finalising the terms and conditions of deputation.

Points raised

Clarification

- (ii) Whether the powers delegated to authorities lower than the Administrative Ministries in Serial No 29 of Appendix 4 of P & T Compilation of FR & SRs in respect of deputations of the kind to which this Appendix applies should be deemed to have been withdrawn
- (iii) No The powers delegated to the authorities lower than the Administrative Ministries in serial No 29 of Appendix 4 of the P & T Compilation of Fundamental and Supplementary Rules, may continue to be exercised by them in respect of deputations of the kind to which this Appendix applies, but subject to the same restrictions as have been specified in the Appendix

[G I M P 1(8) E IV(A)/62, dated the 28th June, 1962]

APPENDIX XX

DEFENCE SERVICE OFFICERS DEPUTED TO CIVIL DEPARTMENT

NB—The procedure envisaged herein may be followed in respect of Defence Service officers deputed to Civil Departments of the Government of India subject to the following—

- (a) No exception should be made to the terms specified in these instructions. For example, an Army officer electing civil rates of pay will not be granted any concession in cash or kind in lieu of a particular concession enjoyed by him on the defence side nor any concession admissible on the civil side should be granted to officers retaining service rates of pay while on deputation.
- (b) As regards provision relating to Accommodation in Annexures II and III to the circular letter dated the 23rd December 1959, it may be stated that officers who opt for civil rates of pay will be governed by civil rules in the matter of recovery of rent and those officers who retain military rates of pay will be subject to the conditions governing them in the service of the Defence Establishment.
- (c) As regards incidence of leave salary it may be stated that the liability for leave salary will be regulated in accordance with Appendix 3(B) II of Account Code Volume I.

[G I M P No F 13(30) Est III/59 dated the 31st January, 1962]

DEPUTATION OF SERVICE OFFICERS FOR CIVIL APPOINTMENTS—PROCEDURE

Requests are received frequently from the State Governments and other civil authorities for the loan of the services of officers of the Armed Forces for various civil appointments. To ensure that there is no avoidable delay in deputing the officers and also that the terms and conditions of deputation are settled expeditiously the procedure to be followed has been standardised and is set out in Annexure I to this Appendix.

2 A service officer temporarily transferred to civil employ draws the service rate of pay to which he may be entitled from time to time under the Pay Code of the Armed Forces unless he

as finally agreed between themselves and the Ministry of Defence. For this purpose it is necessary that the borrowing Governments/Departments forward to the Ministry of Defence 40 copies of the orders issued by them on the subject.

8 When an officer's tenure of service is likely to be over, intimation should be sent to the Ministry of Defence at least three months in advance, to facilitate the issue of his posting orders. Ministry of Defence should also be informed whether a relief for the officer is required and if so what will be the terms and conditions of deputation for the relieving officer.

9 As soon as the officer on deputation rejoins duty in the Armed Forces, the Ministry of Defence will indicate the date of joining to the borrowing authorities who will then issue a formal gazette notification replacing the services of the officer at the disposal of the Ministry of Defence with effect from that date, i.e. the date on which the officer has joined his Unit. Two copies of that notification should be sent to the Ministry of Defence Accounts concerned.

10 The officers on deputation in civil employ irrespective of the fact whether they are entitled to medical entitlement under civil rules, would receive medical treatment in civil hospitals and from civil doctors.

~ Annexure II

TERMS AND CONDITIONS OF SERVICE OF OFFICERS OF THE ARMED FORCES WHO DRAW SERVICE RATES OF PAY WHILE ON DEPUTATION TO CIVIL

Tenure As may be agreed to. The normal tenure is 2 years.

Rank The officer will retain acting/temporary rank held in the Armed Forces at the time of deputation unless the grant of a higher rank is specifically agreed to.

Service The entire period of deputation will count in full as effective commissioned service for purposes such as seniority, promotion, increments of pay, pensionary awards and leave, etc., in the Army/Navy/Air Force.

Pay and allowances At Service rates permissible under P and A Regulations (officers) Army or P and A Regulations (Officers) Army, Old Pay Code, as applicable, and corresponding Regulations on the Navy and Air Force side.

Outfit allowance The period of deputation will count for the renewal grant of outfit allowance, provided the officer continues to wear uniform while in civil employ. If the allowance becomes

*Annexure I***PROCEDURE TO BE FOLLOWED IN REGARD TO THE LOAN
OF SERVICE OFFICERS FOR CIVIL APPOINTMENTS**

1 The request for securing the services of officers of the Armed Forces should be addressed to the Secretary to the Government of India, Ministry of Defence, New Delhi

2 The request should contain full details of the appointment, qualifications, civil scale of pay and allowances, if any, and place of duty. The period for which services of the officer(s) is/are required should also be clearly stated

3 If possible, it should be indicated whether the officer is proposed to be paid service rates of pay and allowances. It should also be indicated whether the terms indicated in the Annexure II or III, as the case may be, are acceptable to the borrowing authorities. If service rates of pay and allowances are offered, the particular rank in which the officer is required should be indicated.

4 As soon as an officer joins duty in the civil appointment the date of joining should be communicated to the Ministry of Defence. It should be noted that the deputation commences from the date the officer is struck off strength of his last appointment in the Armed Forces.

5 The Armed Forces Head Quarter will endorse a copy of the posting orders of the officer to the Controller of Defence Accounts concerned, i.e. the Controller of Defence Accounts (Officers) Poona (in the case of Army officers), the Controller of Defence Accounts (Navy), Bombay, with a copy to Supply Officer in charge, Naval Pay Office, Bombay in the case of Naval Officers and the Controller of Defence Accounts (Air Force) Dehra Dun, with a copy of IAF C A O in the case of Air Force Officers. The Accounts authorities will then immediately issue the officer's last pay certificate containing particulars of pay, etc., to the A G concerned and also intimate to him the date on which the officer handed over charge in his last appointment.

6 On receipt of the last pay certificate, the A G concerned should commence paying the officer provisionally at Service rates of pay and allowances indicated therein pending the finalisation of detailed terms and conditions of service.

7 The Minister of Defence will arrange to issue a Gazette Notification placing the services of the officer at the disposal of the borrowing Government as soon as the officer is struck off strength of his unit. They will also issue a Government of India Notification embodying the terms and conditions of deputation.

as finally agreed between themselves and the Ministry of Defence. For this purpose it is necessary that the borrowing Governments/Departments forward to the Ministry of Defence 40 copies of the orders issued by them on the subject.

8. When an officer's tenure of service is likely to be over intimation should be sent to the Ministry of Defence at least three months in advance, to facilitate the issue of his posting orders. Ministry of Defence should also be informed whether a relief for the officer is required and if so what will be the terms and conditions of deputation for the relieving officer.

9. As soon as the officer on deputation rejoins duty in the Armed Forces, the Ministry of Defence will indicate the date of joining to the borrowing authorities who will then issue a formal gazette notification replacing the services of the officer at the disposal of the Ministry of Defence with effect from that date, i.e. the date on which the officer has joined his Unit. Two copies of that notification should be sent to the Ministry of Defence Accounts concerned.

10. The officers on deputation in civil employ irrespective of the fact whether they are entitled to medical entitlement under civil rules, would receive medical treatment in civil hospitals and from civil doctors.

~ Annexure II

TERMS AND CONDITIONS OF SERVICE OF OFFICERS OF THE ARMED FORCES WHO DRAW SERVICE RATES OF PAY WHILE ON DEPUTATION TO CIVIL

Tenure As may be agreed to. The normal tenure is 2 years.

Rank The officer will retain acting/temporary rank held in the Armed Forces at the time of deputation unless the grant of a higher rank is specifically agreed to.

Service The entire period of deputation will count in full as effective commissioned service for purposes such as seniority, promotion, increments of pay, pensionary awards and leave, etc., in the Army/Navy/Air Force.

Pay and allowances At Service rates permissible under P and A Regulations (officers) Army or P and A Regulations (Officers) Army, Old Pay Code, as applicable, and corresponding Regulations on the Navy and Air Force side.

Outfit allowance The period of deputation will count for the renewal grant of outfit allowance, provided the officer continues to wear uniform while in civil employ. If the allowance becomes

*Annexure I***PROCEDURE TO BE FOLLOWED IN REGARD TO THE LOAN OF SERVICE OFFICERS FOR CIVIL APPOINTMENTS**

1 The request for securing the services of officers of the Armed Forces should be addressed to the Secretary to the Government of India, Ministry of Defence, New Delhi

2 The request should contain full details of the appointment, qualifications, civil scale of pay and allowances, if any, and place of duty. The period for which services of the officer(s) is/are required should also be clearly stated

3 If possible, it should be indicated whether the officer is proposed to be paid service rates of pay and allowances. It should also be indicated whether the terms indicated in the Annexure II or III, as the case may be, are acceptable to the borrowing authorities. If service rates of pay and allowances are offered, the particular rank in which the officer is required should be indicated

4 As soon as an officer joins duty in the civil appointment the date of joining should be communicated to the Ministry of Defence. It should be noted that the deputation commences from the date the officer is struck off strength of his last appointment in the Armed Forces

5 The Armed Forces Head Quarter will endorse a copy of the posting orders of the officer to the Controller of Defence Accounts concerned, i.e. the Controller of Defence Accounts (Officers) Poona (in the case of Army officers), the Controller of Defence Accounts (Navy), Bombay, with a copy to Supply Officer in charge, Naval Pay Office, Bombay in the case of Naval Officers and the Controller of Defence Accounts (Air Force), Dehra Dun, with a copy of IAF C A O in the case of Air Force Officers. The Accounts authorities will then immediately issue the officer's last pay certificate containing particulars of pay, etc., to the A G concerned and also intimate to him the date on which the officer handed over charge in his last appointment

6 On receipt of the last pay certificate, the A G concerned should commence paying the officer provisionally at Service rates of pay and allowances indicated therein pending the finalisation of detailed terms and conditions of service

7 The Minister of Defence will arrange to issue a Gazette Notification placing the services of the officer at the disposal of the borrowing Government as soon as the officer is struck off strength of his unit. They will also issue a Government of India Notification embodying the terms and conditions of deputation

*Annexure III***TERMS AND CONDITIONS OF SERVICE OF OFFICERS OF ARMED FORCES WHO ELECT TO DRAW CIVIL RATES OF PAY WHILE ON DEPUTATION TO CIVIL**

Tenure As may be agreed to The normal tenure is two years

Service The entire period of deputation will count in full as effective commissioned service for purposes such as seniority, promotion, increment of pay and pensionary awards in the Armed Forces

Pay and Allowances At civil rates

Leave According to civil rules

Accommodation According to civil rules Officers will be required to surrender Defence Pool accommodation if any in their possession. In case the officers continue to retain the Defence accommodation they will be treated as unauthorised occupants and recovery of rent will be regulated under para 14(b) of Q & R i.e. as assessed rent or market rent, whichever is more will be recovered.

Travelling allowances Travelling allowance, joining time and joining time pay, for journeys undertaken to join the appointment under the civil and on reversion therefrom, shall be regulated under the relevant civil rules and be the liability of the borrowing Government. T A / D A, for journeys undertaken during the period of deputation and leave travel concessions will likewise be regulated under the civil rules and shall be the liability of the borrowing Government.

Disability and special family pension/allowances Any claim that the officer or his family may have in respect of his disablement or death while in civil employ or which may arise out of any disability contracted in such employment, shall be determined solely in accordance with the relevant civil rules and the full cost of the award shall be the liability of the borrowing Government.

Retiring Pensionary Awards and ordinary family pension/allowances The cost of retiring pensionary awards and ordinary family pension if granted under the military rules in respect of the officer will be shared by the civil on service share basis.

Medical attendance According to civil rules

due during the period of deputation, the debit will be raised against the borrowing authorities

Leave According to Army/Navy/Air Force leave rules The liability for leave salary would be regulated on allocation basis in accordance with paras 1 and 2 of App 3(B)(II) of Account Code, Vol I

Accommodation According to Army/Navy/Air Forces Rent for accommodation and charges for water and electricity if provided by the civil will not be charged in excess of that chargeable while in the Armed Forces

†Officers will be required to surrender Defence Pool accommodation, if any in their possession In case the officers continue to retain the Defence accommodation, they will be treated as unauthorised occupants and recovery of rent will be regulated under para 14(b) of Q & R i.e assessed rent or market rent, whichever is more will be recovered

†G I M Defence letter No 4(15) 58/D(MS) dated the 6th February 1962]

Travelling allowance According to Service rules The cost of conveyance in respect of the journey undertaken on joining the civil appointment and on relinquishing that appointment as well as of journeys undertaken during the period of deputation in circumstances entitling the officer to free conveyance or leave travel concession under Army/Navy/Air Force rules will be the liability of the borrowing Government

Disability and special family pensions/allowances Any claim that the officer or his family may have in respect of his disablement or death while employed in the civil or which may arise out of any disability contracted in such employment shall be determined in accordance with the relevant military rules and the full cost of the award will be the liability of the borrowing Government

Retiring Pensionary Awards and Ordinary family pension/allowance The cost of retiring pensionary awards and ordinary family pension/allowances if granted, under the military rules in respect of the officer will be shared by the civil on Service share basis.

Medical attendance Such an army officer will be entitled to medical facilities to the same extent and at the same scale which he would have enjoyed under Army/Navy/Air Force Rules

(2) They shall be deemed to have come into force on the 28th June 1962

2 *Definitions* In these rules unless the context otherwise requires —

- (a) retired President means a person who has ceased to hold office as the President of India either by the expiration of his term of office or by resignation of his office and includes the last Governor General of India
- (b) secretarial staff means any person or persons who may be employed by the retired President in connection with secretarial work
- (c) medical attendance and treatment include medical consultation cost of medicines clinical and pathological tests other methods of examination and surgical operations which the retired President may require
- (d) medical attendant means any registered medical practitioner practising any system of medicine
- (e) regular medical attendant means a medical attendant who may be nominated by the retired President for regular medical attendance and treatment
- (f) travelling expenses mean—
 - (i) in the case of Government medical officers such travelling and other allowances as may be admissible to them under the rules of their services and
 - (ii) in the case of persons other than Government medical officer expenditure incurred on travel not exceeding the amount admissible to a Class I Government servant of the highest grade

3 *Maintenance of secretarial staff* (1) During each financial year an amount not exceeding Rs 12000 (Rupees twelve thousand only) shall be paid to every retired President towards the actual charges incurred by him for the maintenance of his secretarial staff and office expenses

(2) At the initial appointment of the staff information regarding the number of persons employed their emoluments and the periods of their employment shall be furnished to the Central Government. All subsequent changes shall also be intimated as and when they occur

(3) The amount required by the retired President for the maintenance of secretarial staff and the office expenses shall be drawn by him in the form of simple receipt as and when required

APPENDIX XXI

THE PRESIDENT'S PENSION ACT, 1951

(No XXX OF 1951)

An Act to provide for the payment of pensions to retiring President Be it enacted by Parliament as follows —

1 *Short title* This Act may be called the President's Pension Act 1951

2 *Pension to retiring President* (1) There shall be paid to every person who ceases to hold office as President either by the expiration of his term of office or by resignation of the office a pension of fifteen thousand rupees per annum for the remainder of his life

†(2) Subject to any rules that may be made in this behalf every such person shall for the remainder of his life be entitled—

(a) to secretarial staff and office expenses the total expenditure on which shall not exceed twelve thousand rupees per annum and

(b) to medical attendance and treatment free of charge

(3) Where any such person is re-elected to the office of President he shall not be entitled to any benefit under this section for the period during which he again holds that office

Pension to the last Governor General 3 The provisions of section 2 shall apply to the person who held office as the last Governor General of India as they shall apply to person who ceases to hold office as President

4 Any sum payable under this Act shall be charged on the Consolidated Fund of India

†5 The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act

APPENDIX XXII

PRESIDENT'S PENSION (MAINTENANCE OF SECRETARIAL STAFF AND MEDICAL ATTENDANCE) RULES 1962

1 *Short title and commencement* (1) These rules may be called the President's Pension (Maintenance of Secretarial Staff and Medical Attendance) Rules, 1962

7 *Interpretation and removal of difficulty* If any question arises relating to the interpretation of these rules or any difficulty arises in complying with the provisions of these rules, it shall be referred to the Central Government in the Ministry of Home Affairs whose decision thereon shall be final

8 *Savings* Nothing in these rules shall be deemed to prevent the Central Government from providing to a retired President any facility relating to medical treatment or attendance, or travelling expenses for any journey performed by him, which is not authorised by rules 4 and 6

FORM I

(Form of certificate referred to in subrule (4) of rule 3)

Certified that the amount of Rs. _____ (Rupees)
drawn by me during the year ending 31st March 19____ has been expended
on the maintenance of my secretarial staff and the office expenses thereof

Signature

Date

Place

FORM II

(Form of certificate referred to in rule 4)

Certified that the amount of Rs. _____ (Rupees)
drawn by me has been expended in connection with my medical treatment/
attendance/consultation

Signature

Date

Place

FORM III

(Form of certificate referred to in rule 6)

Certified that the amount of Rs. _____ (Rupees)
drawn by me on account of travelling expenses has been incurred by me/my
medical attendant/specialist/medical practitioner in connection with medical
consultation/attendance/treatment.

Signature

Date

Place

(4) At the end of each year a certificate in Form I appended to these rules shall be given by the retired President to the effect that the amount so far drawn by him has been expended for the purpose for which it had been drawn

4 *Medical Attendance and Treatment* (1) The retired President shall be entitled to medical attendance and treatment at his residence or at the clinic nursing home or institution of similar nature or consulting room of the medical attendant specialist or practitioner concerned —

(a) by a medical attendant or the regular medical attendant and

(b) by a specialist or medical practitioner not falling under clause (a)

Provided that a specialist or medical practitioner or medical attendant other than the regular medical attendant shall be called from outside the State in which the retired President is residing only on the advice of the Director of Medical Services or other corresponding officer in the State concerned or the officer in charge of the principal Government hospital in the district

(2) The retired President shall also be entitled to any other expenditure that may be incurred by him in connection with his treatment and certified by the medical attendant the regular medical attendant or the specialist or practitioner referred to in sub rule (1) as the case may be

(3) All expenses referred to in sub rules (1) and (2) and in rule 3 shall be borne by the Central Government on production of a certificate by the retired President in Form II appended to these rules

5 *Hospitals Nursing Homes and Medical Institutions at which treatment may be received* A retired President shall also be entitled to medical treatment and attendance in hospital nursing home or medical institutions in India. All expenses incurred in this connection shall be borne by the Central Government

6 *Travelling Expenses* Any travelling expenses incurred by the retired President or the medical attendant or regular medical attendant or specialist or medical practitioner in connection with the medical attendance and treatment of the retired President shall be borne by the Central Government on production of a certificate in Form II appended to these rules. In the case of a Government medical officer who may perform journeys to attend on the retired President the travelling expenses may be drawn by him through the usual Government channels. If the officer belongs to a State Government the latter may claim reimbursement of the cost from the Central Government

4 (1) It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post, if —

- (a) the person appointed is not likely to hold the post for a period of more than one year, and
- (b) it is necessary in the public interest to make the appointment immediately and reference to the Commission will cause undue delay

Provided that —

- (i) such appointment shall be reported to the Commission as soon as it is made,
- (ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission and
- (iii) if such estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment the Commission shall immediately be consulted in regard to the filling of the post

†(2) It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post where the post is expressly created in connection with the present Emergency and the person to be appointed to such post is not likely to hold the same longer than the period of the said Emergency or three years, whichever is less

Provided that it is certified —

- (i) by the Secretary to the Government of India in the Ministry concerned, or
- (ii) by the Head of the Department concerned under that Government, where he or an authority subordinate to him is the appointing authority

that the post has to be filled up immediately —

Provided further that such appointment shall be reported to the Commission as soon as may be after it is made

Explanation In this sub regulation, "present Emergency" means with respect to which a Proclamation under clause (1) of Article 352 of the Constitution was issued on the 26th October, 1962

†[G I M H A No F 15/12(S)] 62 Ests (b) dated the 7th December 1962]

APPENDIX XXIII

UNION PUBLIC SERVICE COMMISSION (EXEMPTION FROM CONSULTATION) REGULATIONS, 1958.

1. These regulations may be called the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

2 It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of Article 320 of the Constitution in the case of the services and posts specified in the Schedule to these Regulations.

3 Save as otherwise expressly provided in the rules governing recruitment to the civil service or civil post concerned, it shall not be necessary to consult the Commission in regard to the selection for appointment —

- (a) to a post included in an All India Service, of any officer who is already a member of All India Service;
- (b) to a post included in a Central Service, Class I, of any officer in the Armed Forces of the Union or any officer who is already a member of an All India Service or Central Service, Class I;
- (c) to a Central Service, Class II, or to a post included in a Central Service, Class II, of any officer who is already a member of a Central Service, Class II, or a Central Service, Class III, or of any officer in the Armed Forces of the Union, and
- (d) to a tenure post included in a Central Service, Class I, or a Central Service, Class II, of an officer of a State Service

NOTE —In this Regulation —

- (i) the terms "*Central Service, Class I*", "*Central Service, Class II*" and "*Central Service, Class III*" shall include the corresponding Railway Services and Defence Services (Civilian),
- (ii) the term "*Officer*" includes a person holding a permanent or quasi permanent appointment, but does not include a person in temporary employment,
- (iii) the term "*State Service*" means service in a State appointments to which are made by the Governor
- (iv) the terms "*tenure post*" means a post, whether permanent or temporary, which has been classified as a tenure post in consultation with the Commission

mains in operation, whichever is less, in regard to any of the matters mentioned in sub clause (e) of clause (3) of Article 320 of the Constitution in that case of—

- (a) a person serving under the Government of India in a civil capacity including a person serving in such capacity in the Assam Rifles, who sustains injuries in consequence of 'special risk of office' attached to service in Ladakh or North East Frontier Agency, and
- (b) a person belonging to an All India Service or a Central Service serving in connection with the affairs of the State of Assam or the State of Jammu and Kashmir

[GIMHA No 18/11(S)/62 Est (B), dated the 29th November, 1962]

SCHEDULE

(1) Posts in respect of which the authority to appoint is specifically conferred on the President by the Constitution

(2) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar authority created by or under the provisions of a statute

(3) Posts of Chairman or Members of any Board, Tribunal, Commission Committee or other similar body appointed by or under the authority of a resolution of either House of Parliament or by a resolution of Government for the purposes of conducting any investigation or enquiry into or for advising Government on specified matters

(4) Posts of Heads of Diplomatic, Consular and other similar Indian Missions in countries abroad (e.g. Ambassadors, High Commissioners, Ministers, Commissioners, Consuls General, Representatives, Agent)

(5) Posts on the personal staff attached to holders of posts mentioned in items (1) to (4) above

(6) Posts in the Secretariats of the Lok Sabha and the Rajya Sabha

(7) All technical and administrative posts in or under the Atomic Energy Commission

(8) Judicial Commissioners and Additional Judicial Commissioners, District Judges and Additional District Judges in Union Territories

(9) Subordinate Judges and Munsiffs in the Union Territories of Manipur, Tripura and Himachal Pradesh

(10) All Class III and Class IV services and posts, save as otherwise expressly provided in relevant rules or orders governing recruitment thereto

(11) Any service or post concerned with the administration of the North East Frontier Agency

(12) Posts in the secretariat and personal staff of the President and the Vice President and posts in the Government Hospitality Organisation

(13) Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted

5 (1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than—

- (a) an original order by the President imposing any of the following penalties
 - (i) censure
 - (ii) withholding of increments or promotion,
 - (iii) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders
 - (iv) reduction to a lower service, grade or post or to a lower time scale or to a lower stage in a time scale
 - (v) compulsory retirement
 - (vi) removal from service
 - (vii) dismissal from service
- (b) an order by the President on an appeal against an order imposing any of the said penalties made by a subordinate authority
- (c) an order by the President overruling or modifying, after consideration of any petition or memorial or otherwise an order imposing any of the said penalties made by the President or by a subordinate authority
- †(d) An order by the President imposing any of the said penalties in exercise of his powers of review and in modification of an order under which none of the said penalties has been imposed

†(GIMHAN 1 18/7/59 Eds (B) dated the 23rd May 1961)

(2) It shall not be necessary to consult the Commission in regard to any disciplinary matter affecting a person belonging to a Defence Service (Civilian)

(3) It shall not be necessary to consult the Commission in regard to any order made under the Central Civil Service (Safeguarding of National Security) Rules 1953 or the Railway Services (Safeguarding of National Security) Rules 1954

6 It shall not be necessary to consult the Commission, for a period of one year from the date of publication in the Gazette of India of the Union Public Service Commission (Exemption from Consultation) Second Amendment Regulations 1962 or for the period during which the Proclamation issued by the President under clause (1) of Article 352 of the Constitution on the 26th October 1962 re

Under the provisos to Regulation 4 of the new Regulations, all temporary appointments made under that Regulation have to be reported to the Commission as soon as they are made and such appointments have to be reviewed if they extend beyond a period of six months and an estimate made whether the appointment is likely to exceed one year, in which case the Commission should be consulted immediately in regard to the filling of the post. The attention of all appointing authorities may be invited to these provisos for necessary action.

Action under provisos (ii) and (iii) of Regulation 4 of the new Regulations should also be taken in regard to all temporary appointments made under old (Consultation) Regulation 4(b).

[GIMHA No 18/10/58 Ests (B), dated the 19th January 1959]

(2) Para I of Appendix II of Ministry of Home Affairs Memo No 18/18/48 Ests, dated the 20th August, 1949 lays down that the references in connection with any matter referred to the Union Public Service Commission for advice shall be made direct to the Commission by the Administrative Ministry concerned. Since the issue of these instructions, wide powers have been delegated to various heads of attached and subordinate offices to make appointments to class II posts etc., with the result that it has become necessary for such authorities to correspond directly with the Commission in regard to promotion or recruitment to posts in respect of which power of appointment has been delegated to them. It has, therefore, been decided in consultation with the Union Public Service Commission, that all heads of attached and subordinate offices can in future directly correspond with the Commission on matter relating to promotion/recruitment to the posts for which they are the appointing authorities. It should however, be noted that in cases where it is proposed not to accept the advice of the Commission or of a Departmental Promotion Committee presided over by a Member of the Union Public Service Commission, all further references to the Commission antecedent if necessary to submission of the case to the Appointments Committee of the Cabinet, should be made by the Administrative Ministry concerned and not by the Head of the Attached/ Subordinate office.

[GIMHA No F 18/1/59 Ests (B), dated the 24th February, 1959]

(3) The need for close cooperation and mutual understanding between the Union Public Service Commission and the Ministries and Departments of Government has been stressed by various authorities including the Planning Commission and the Estimates Committee of Parliament. A study of the problem has made it clear that there are no fundamental differences of approach and

Government of India's orders

(1) Many appointments have been made from time to time by various Ministries/Departments under Regulation 3 of the UPSC (Exemption from Consultation) Regulations, even though the recruitment rules for such posts and Services had not been finalised or framed in consultation with them. The position under the Exemption from Consultation Regulations is that consultation with the Commission in regard to any of the matters prescribed in sub clause (a) and (b) of clause 3 of Article 320 of the Constitution is not necessary in respect of Services and posts specified in the schedule thereto. In respect of other Services and posts the Commission have pointed out that under Articles 320(3)(a) and (b) the method of recruitment to such Services and posts should be settled in consultation with them and that until such action is taken it would not be correct to make individual appointments without consultation with the Commission on the basis of Regulations of the UPSC (Exemption from Consultation) Regulations.

The question has been examined carefully. There is force in contention of the Commission that Regulation 3 of the UPSC (Exemption from Consultation) Regulations can be availed of only where recruitment rules have been framed in consultation with them as provided in Article 320(3)(a) and (b) of the Constitution and such rules provide for the appointments of the type envisaged in the Regulations otherwise not only will the Commission not be consulted in individual appointments under cover of Regulations 3 but the necessity of framing recruitment rules in consultation with the Commission for the service/post is liable to be overlooked. It should therefore be noted that consultation with the Commission will be necessary even in cases of appointments which would normally be covered by Regulation 3 of the UPSC (Exemption from Consultation) Regulations if the method of recruitment for the grade/service in question have not been finalised in consultation with the Commission.

Regulation 4(a) of the Union Public Service Commission (Consultation) Regulations as they stood prior to the promulgation of the new Regulations provided that it was not necessary to consult the Commission in regard to the selection for appointment to any post where the Commission had agreed that it might be filled by recruitment from outside India. This proviso has been omitted from the new Regulations and it is therefore necessary for all posts not formally excluded from the purview of the UPSC to be filled in consultation with the Commission irrespective of whether such posts are filled by recruitment in India or from abroad.

If any further documents or information is required by the Commission an officer of the Commission will communicate the request personally to the appropriate officer of the Ministry concerned who should immediately initiate necessary action

5 As most cases of unresolved differences between Ministries and the Commission ultimately require a reference to the Appointments Committee of the Cabinet it has been decided that the Establishment Officer to the Government of India who acts as the Secretary of that Committee should be utilised as a general liaison officer between Government and the Commission. Any instances of failure to follow the procedure now recommended should be brought to his notice

[GIMHA No 18/20/54 Exs (B) dated the 8th September 1954]

(4) On all occasions where a reference has to be made to Commission in any matter no letter will issue until after an officer not below the rank of Deputy Secretary has discussed the matter personally with the Secretary of the Commission or his nominee. The Chairman and staff of the Commission have assured that they will do everything possible to facilitate such discussions and to assist the Ministries in solving their problems. The Ministry of Home Affairs desires that the instructions in order No (3) above should be complied with

[GIMHA No F 18/2/63 Exs (B) dated the 18th January 1963]

APPENDIX XXIV

PENSIONARY BENEFITS TO INDUSTRIAL EMPLOYEES

Grant of pensionary benefits to industrial employees on the recommendations of the Pay Commission

The Government have considered the recommendations made by the Pay Commission in paragraph 2 of Chapter XXXVIII of their Report, regarding the grant of pensionary benefits to industrial employees and have decided to accept the Commission's recommendation that the industrial employees on being made permanent should be brought under the pensionary scheme. This will however be subject to the following conditions —

- (i) The industrial employees who are already permanent in service on the date of issue of these orders (including those on leave preparatory to retirement on that date) will have an option to come over to the pensionary schemes or to retain the existing contributory provident fund benefits.

that the occasional failure in the proper functioning of the relationship is due solely to faulty methods.

2 It is not generally realised that, when new posts are created or the requirements for existing posts altered, it is necessary to consult the Commission (unless, under the regulations, the case is outside the Commission's purview) before qualifications are prescribed, the methods of recruitment decided upon, and advertisements drafted for inviting applications

3 An important source of delay and misunderstanding is the fact that communication between Ministries and the Commission takes place almost entirely by correspondence and enough use is not made of the method of discussion across the table. With the best will in the world it is difficult for either side, by exchange of letters alone, fully and speedily to explain its point of view. On the other hand, the Establishment Officer has, on several occasions, succeeded in resolving differences between the Commission and the Ministries concerned by arranging for personal discussions at appropriate levels. With the concurrence of the Commission it is now proposed that the method of personal discussion should henceforth become the rule rather than exception

4 All Ministries and Departments are accordingly requested to adopt the following procedure —

- (i) Proposals for recruitment should be carefully examined to ascertain whether consultation with the Commission is necessary. In cases of doubt or difficulty, a reference may be made to the Establishment Officer
- (ii) When consultation is necessary, an Officer of the Ministry not below the rank of Deputy Secretary should, in the first instance, discuss the matter personally with the Secretary of the Commission or his nominee. In case of recruitment to posts requiring technical or special qualifications the technical experts of the Ministries could also with advantage participate in such discussions. At such discussion all aspects of the proposal should be considered and an agreed memorandum of the conclusions including the points of difference, if any, recorded. For resolving such differences, conferences should be arranged at higher levels between the Ministry and the Chairman or Member(s) of the Commission concerned. The Establishment Officer will be available if desired, to assist on such occasions
- (iii) Disciplinary cases referred to the Commission should be accompanied by all the papers and information necessary to enable the Commission to tender their advice

vident Fund account (to be newly opened) and the Government contribution with interest resumed by Government.

- (viii) The whole temporary service followed by confirmation, whether in the same or another post which may be either an industrial or a non industrial one, would be counted as service qualifying for pension to the extent it would have counted had the service been rendered *ab initio* in a pensionable establishment.

2. These orders shall also be applicable to such work charged staff employed in the establishments of the Government of India as may be classified as industrial in accordance with the orders issued under the Finance Ministry O M No. F. 8(1)-Est (Spl)/60 dated the 12th August, 1960 and who are at present governed by one or the other contributory provident fund schemes.

3. Where compensation is payable under the Industrial Disputes Act the amount of such compensation will be set off against the amount of pensionary benefits admissible under these orders.

4. These orders will take immediate effect and will also apply to officers who are on leave preparatory to retirement on the date of issue of these orders. Immediate steps should be taken to bring the contents of these orders to the notice of all concerned and particularly officers on leave preparatory to retirement.

[G.M.F. No. 17(5) LV(A)/60, dated the 15th November 1960]

APPENDIX XXV

LEAVE ENTITLEMENTS OF INDUSTRIAL EMPLOYEES IN DEPARTMENTS OTHER THAN RAILWAYS

The President is pleased to decide as follows:—

(i) *Leave on half pay on medical certificate* :—Leave on half pay may be granted on medical certificate at the rate of 10 days for each completed year of service subject to the condition that the leave that may be granted does not exceed 30 days at a time and 180 days during the entire service.

(ii) *Extraordinary Leave* :—Extraordinary leave may be granted as under rule 14 of the Revised Leave Rules, 1933, as amended from time to time. For this purpose, all employees, other than permanent employees, would be treated as temporary employees.

(iii) *Sick leave on Full Pay* :—Sick leave on full pay may be granted on medical certificate up to a maximum of 10 days in a

- (ii) Temporary industrial employees who are already in service on the date of issue of these orders will, on confirmation in service, also have the same option as permanent industrial employees referred to at (i) above
- (iii) Temporary industrial employees, who enter service after the date of issue of these orders, shall be admitted to the contributory provident fund benefits in accordance with the relevant rules applicable to them. Such employees shall, on confirmation, be brought over to the pensionary scheme
- (iv) The option at (i) and (ii) above shall be exercised in writing within a period of six months from the date of issue of this order or the date of confirmation, as the case may be and the option so exercised will be final and irrevocable. If any employee fails to exercise the option within the prescribed limit he will be deemed to have elected the pensionary benefits
- (v) Those opting for the pensionary benefits will be governed by the new pension rules as promulgated in the Ministry of Finance O.M. No. F. 3 (1)-Est (Spl)/47, dated the 17th April 1950, as modified from time to time (Last Appendix)
- (vi) The option at (i) and (ii) above should be exercised in writing in duplicate and should be communicated by the Government servant concerned to the head of the office if he is a non gazetted officer and his Accounts Officer, if he is a Gazetted Officer. For this purpose, a permanent non gazetted Government servant officiating in a Gazetted post will exercise his option as a non gazetted Government servant

The declaration when received from a non gazetted Government servant should be countersigned by the head of office and pasted in the service book of the Government servant concerned. It will be the responsibility of the Government servant concerned to ensure that the receipt of his declaration is acknowledged by the head of the office or the Accounts Officer as the case may be and that he receives an intimation that it has been duly recorded by the authority concerned.

- (vii) On electing to come over to pension, the accumulations in the Contributory Provident Fund account of the employee concerned will be adjusted in the manner indicated in rule 33 (b) of the General Provident Fund (Central Services) Rules i.e. the officer's own subscription with interest will be credited to his General Pro

[GIMF Memo No P 7(84) E IV/A/61 dated the 17th November 1961, as amended vide Memo No 2 (54) Est. III/61, dated the 28th November 1961 Takes effect from the 17th November 1961]

APPENDIX XXVI

HIGH COURT JUDGES TRAVELLING ALLOWANCE

RULES, 1956

1. These Rules may be called the High Court Judges Travelling Allowance Rules 1956

Definitions 1A.—In these rules, unless the context otherwise requires —

(a) '*headquarters*' means —

(i) in relation to a Judge directed by the Chief Justice to perform his normal duties for a period exceeding three months at a place other than the principal seat of the High Court such place, and

(ii) in other cases, the principal seat of the High Court,

(b) '*Judge*' includes an acting Judge and an additional Judge

2 (1) When a Judge travels on duty he is entitled —

(a) when travelling by railway, to a reserved two berth compartment of the highest class including air conditioned and if one such compartment is not available then to a reserved four berth compartment of the highest class (but excluding air conditioned) and the fares at lowest class rates actually paid for servants not exceeding two in number,

(b) when travelling by a steamer service, to one reserved first class cabin, if available or to the fare actually paid for himself, and the fares at lowest class rates actually paid to the steamer service for servants not exceeding two in number subject to usual deductions on account of messing charges,

(c) when travelling by a public air transport service to the fare paid for himself and, if actually paid, the cost of transporting up to two maunds of luggage by rail at passenger rates, or steamer and the railway or steamer fares of the lowest class for servants exceeding two in number, and the expenditure actually incurred on the transport by road of servants or luggage up to a maxi

calendar year. It should be non cumulative and the un utilised balance of such leave should not be carried forward to the next calendar year.

(iv) *Maternity Leave* —Maternity leave may be granted to female industrial employees in the same manner as admissible to the female non industrial Government servants under Supplementary Rule 267.

(v) *Casual Leave* —Casual Leave on full pay may be granted up to 7 days in a calendar year. Sundays and holidays falling in between the period of casual leave will not be taken into account for calculating the period of casual leave availed of.

(vi) The leave on half pay, sick leave and extraordinary leave may be combined with any other leave except casual leave.

(vii) The casual leave cannot be combined with any other kind of leave.

(viii) In respect of individuals joining the establishment in the middle of a calendar year, a proportionate amount of sick leave shall be allowed.

(ix) During sick leave on full pay an employee will be paid as if he were on duty.

(x) During leave on half pay an employee will be paid leave salary at half the rate of pay drawn immediately before proceeding on leave.

(xi) The provisions in these orders regarding sick leave on full pay leave on half pay on medical certificate extraordinary leave and casual leave shall not be applied to the employees who on the date of the issue of these orders are entitled to earned leave at the same rate as admissible to non industrial Government servants under rule 9 of the Revised Leave Rules 1933. Such employees will continue to retain their existing leave entitlements including entitlement to casual leave. They will however, be allowed to exercise an option in favour of the leave entitlements admissible to industrial employees as per Government's decisions on Pay Commission's recommendations after a final decision is taken and orders issued by Government regarding the rate of earning earned leave and accumulation thereof after the matter is duly considered by the National Joint Council to be set up.

Note —The President is pleased to decide that sick leave on full pay and maternity leave, as admissible to an industrial employee (permanent or temporary) under this Appendix shall count for increments in a post in which he was working at the time of proceeding on such leave provided it is certified that he would have continued to hold that post but for his going on leave.

expensive localities like Bombay or any other locality so declared hereafter by the President, he may be granted a daily allowance of Rs 20,

- (u) when a Judge is required to perform similar functions, whether part time or whole time in his own headquarters, he shall not be paid any allowance or charges unless the special work involves extra expense in which case he may be granted such allowance not exceeding Rs 25 per day as the President may in each case determine,
- (uu) when a Judge is a State guest, the daily allowance shall be restricted to 25 per cent of the amount admissible or sanctioned,
- (iv) when a Judge proceeds on duty to the Andaman and Nicobar Islands, the period from the date of his departure from the mainland to the date of his return to the mainland shall be treated as a period of halt on duty
- (f) to the expenditure, if any, actually incurred on the transport by passenger train or steamer at owner's risk of motor car, and the fare at the lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the car

(2) If any persons (other than servants) accompany a Judge in a compartment or cabin reserved for him under sub rule (1), fares shall be payable by him on their account, and the fares so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to Government

(3) For the purposes of this rule —

- (i) all journeys to and from headquarters shall be deemed to commence and terminate at the Judge's residence at headquarters or, as the case may be, at an out station,
- (ii) a Judge shall be deemed to be travelling on duty when, during a vacation of the High Court, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the High Court and returns to such place after completion of such duty

3 (1) When a Government servant, appointed to be a Judge travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class, excluding air conditioned

mun of 8 annas per mile of that part of the journey by road for which no allowance is claimed under clause (d) of this sub-rule,

- (d) when travelling by road to an allowance at the rate of Re 1 per mile

Provided that—

- (i) no such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (c) for the air journey,
 - (ii) no mileage allowance shall be admissible for journeys undertaken within a radius of five miles from the residence of the Judge or for a journey between such residence or temporary residence and the place of sitting of the High Court or of a Bench of the High Court, and
 - (iii) where daily allowance is admissible and is claimed for any day, no mileage allowance shall be admissible in addition in respect of any journey undertaken by road within a radius of five miles from the temporary residence of the Judge at the place of halt
 - (iv) no such allowance shall be payable in cases where the Judge uses transport provided at Government expense
- (e) to a daily allowance at the rate of Rs 15 in respect of any period (including Sundays and other Holidays) of halt on duty outside his headquarters

Provided that—

- (i) when a Judge is required to perform functions outside his normal duties in localities away from his headquarters he may subject to such conditions as the President may in each case determine be granted daily allowance not exceeding Rs 25 in respect of ordinary localities and daily allowance not exceeding Rs 30 and transport charges not exceeding Rs 10 per day in respect of specially expensive localities like Bombay Calcutta or any other locality so declared hereafter by the President,
- (ia) When a Judge is required to perform his normal duties away from his headquarters and in specially

(b) when travelling by road—

(i) the Judge himself at the rate of Rs 2 per mile

(ii) for every member of his family accompanying him up to a maximum of four members at the rate of 8 annas per mile

Provided that when any portion of the journey can be performed by railway, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such portion by railway by the highest class excluding air conditioned

(c) when travelling by air the Judge himself and the members of the family by a public air transport service

(d) personal servants not exceeding four in number, by passenger train or steamer or by public road transport service at lowest class rates,

(e) one motor car by passenger train or steamer at owner's risk and

(f) other personal effects not exceeding the expenditure which would be incurred in the transport of 60 maunds of goods by road and by goods train or steamer and the expenditure incurred in embarking and disembarking personal effects

Explanation For the purpose of this rule, members of a Judge's family means his wife his children and his step children normally residing with and wholly dependent on him

7 Where by reason of a change in the principal seat of the High Court a Judge changes his ordinary place of residence he is entitled to the same allowances as on transfer from one High Court to another

8 *Repeal and Saving* (1) The High Court Judges (Part A States) Travelling Allowance Rules 1950 are hereby repealed

(2) Notwithstanding such repeal nothing contained in these rules shall have effect so as to give to a Judge who is serving as such at the commencement of these rules less favourable terms in respect of his travelling and daily allowances than those to which he would be entitled if these rules had not been made

(2) A Government servant availing himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved and must, in addition, pay in cash to the station master of the station from which the journey commences, the fares for any members of his family accompanying him whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation all such fares will be credited to Government.

Explanation—For purpose of rules 3, 4, 5 and 6 a reserved compartment means a two berthed compartment or a four berthed compartment if a two berthed compartment is not available in the train by which a Judge travels.

4 When a person not already in Government service is appointed to be a Judge he may when travelling by railway to join his post travel in a reserved compartment of the highest class excluding air conditioned and subject to the conditions prescribed in sub rule (2) of rule 3.

5 When a Judge—

(a) proceeds on, or returns from, leave or

(b) proceeds on, or returns from vacation spent outside India or

(c) retires from service or

(d) proceeds to join another post after resigning office he may when travelling in a railway travel in a reserved compartment of the highest class excluding air conditioned and subject to the conditions prescribed in sub rule (2) of rule 3.

Provided that in the case of a journey on retirement from service this entitlement will lapse if the journey is not completed within six months from the date of retirement.

6 When a Judge is transferred from one High Court to another or from or to the place of the principal seat of the High Court from one headquarter to another he shall be entitled to the expenditure actually incurred by him on his journey for the transport of —

(a) When travelling by rail or by steamer —

(i) the Judge himself by a reserved compartment or cabin of the highest class, excluding air conditioned

(ii) members of his family not travelling in the reserved compartment or cabin in the highest class of accommodation excluding air conditioned,

completed within six months from the date of commencement of the onward journey and the concession will be counted against the block in which the outward journey commenced. The condition, of six months may be relaxed in special cases by administrative Ministries or by the Comptroller and Auditor General in the case of the staff of the Indian Audit and Accounts Department, at their discretion.

5. The members of the family of a Government servant, other than those who accompany the Government servant himself, should travel together as one group, where they travel in different groups, at different times, reimbursement will be admissible only in respect of one such group as the Government servant may choose.

The restrictive provisions in this paragraph (viz that the family should perform the return journey within six months of the outward journey and that they should travel together) will take effect only from the date of issue of this order viz the 11th April, 1958.

(Para 1 (d) of G.M.H.A. No. 43/10/58 Estt. (A) dated the 11th April 1958 as amended by Memo. of even number dated the 29th May 1958]

(2) Persons whose "homes" are within a distance of 250 miles from their headquarters will not be allowed the concession.

Government of India's orders

(1) It has been decided in consultation with the Ministry of Finance and the Comptroller and Auditor General, that the limit of 250 miles should, with effect from 1st January, 1958, be reduced to 100 miles in the case of Government servants of the fourth grade. In other words, this concession to Government servants of the fourth grade will be admissible in respect of leave travel journeys pertaining to the next Block of two calendar years 1958-1959 and to the subsequent two year Blocks. The figure and word "250 miles", wherever they occur in this Appendix may therefore, be substituted, with effect from 1st January, 1958, by the figure and word "100 miles", in so far as Government servants of the fourth grade are concerned.

Government servants of the fourth grade who may now become entitled to the leave travel concession as a result of the reduction of the limit of 250 miles to 100 miles may be called upon to make a declaration of their home towns within six months

* With effect from 1st January 1958 the figure and word "100 miles" is to be substituted in respect of Government servants of the fourth grade vide G.M.H.A. No. 43/4/56-Estt. (A) dated the 4th November 1957.

APPENDIX XXVII

* TRAVEL CONCESSION TO CENTRAL GOVERNMENT SERVANTS
DURING REGULAR LEAVE

1 A proposal to grant some travelling concession to Central Government servants serving at places distant from their homes for journeys to their homes during leave has been under consideration of Government for some time. The President has been pleased to decide that assistance to the extent laid down below may be granted to the Government servants in question —

(r) Except as provided in Sub-clause (2), the concession will be admissible to Central Government servants of all grades and members of All India Services serving in connection with the affairs of the Central Government once in a period of two calendar years for visiting their homes. It will cover all Government servants and their families as defined in Clause (5) below. The families need not necessarily accompany the Government servants but may precede or follow them during the same calendar year. For purposes of deciding the number of occasions the qualifying journeys made by a Government servant and his family will be viewed as one.

Government of India's orders

(1) The term 'once in a period of two calendar years' should be taken to mean once in each block of two calendar years starting from the year 1956. Thus the concession on the first occasion is admissible during the block of two consecutive calendar years 1956 and 1957. The concession on subsequent occasions will be admissible at any time during the calendar years 1958 and 1959, 1960 and 1961, and so on.

[Para 1 (d) of GIMHA No 43/5/57 Exts (A) dated the 4th September 1957]

(2) In partial modification of the instructions contained in paragraphs 1(1), 1(8) and 1(9) of this Appendix and Government of India's order No (1) below para 2 of this Appendix regarding journey by the family members of a Government servant, it has been decided that the Government servant and his family members may travel either independently or together as may be convenient to them. The claim for reimbursement in respect of the journey of the one need not depend on the journey performed by the other. The family members will, therefore, be entitled, to the concessions irrespective of the fact that the Government servant may or may not proceed on regular leave or that his leave has or has not been officially refused, but the return journey must be

* Sanctioned vide GIMHA Memo No 43/1/55 Exts (A), Part II dated the 11th October 1956

4 *In regard to the second category*, the journey will be performed from the port of disembarkation in India to the new headquarters *via* the home town. For the journey from the port of disembarkation to the home town, leave travel concession would be allowed and for the journey from the home town to the headquarters, transfer T.A. restricted to what would be admissible had the journey been performed directly from the port of disembarkation to the headquarters, will be permitted. (For officers whose home towns are *en route* on the journey from the port of disembarkation to the new headquarters, it would be preferable to claim only transfer T.A. throughout and no leave travel concession will hence be admissible)

5 *The third category* of Government servants would be entitled to the leave travel concession for the journey from the port of disembarkation in India to the home town and transfer T.A. from the home town to the port of embarkation on the approved route restricted to what would be admissible had the journey been performed directly from the port of disembarkation to the port of embarkation. (For officers whose home towns are on the route of port of disembarkation to port of embarkation it would be advantageous to claim transfer T.A. throughout and no leave travel concession will hence be admissible)

6 These orders shall take effect from their date of issue. Past cases will not be reopened.

[GIMHA No 43/759 Estt (A) dated the 11th July 1959]

(4) The President has been pleased to extend the leave travel concession sanctioned in this Appendix to the staff of the Indian Aid Mission in Nepal and other personnel sent to Nepal under India's Aid Programme for their journeys in India when they come to India on home leave or home leave cum transfer subject to the conditions laid down in this Appendix.

The point of commencement/end of the forward/return journey in India for the purpose of the leave travel concession in respect of the staff will be the point of entry/exit in/from India e.g. Patna or Raxaul. When the officer is coming to India on home leave cum transfer, the journey will be performed from the place of entry in India to the new headquarters *via* the home town. For the journey from the place of entry to the home town leave travel concession would be admissible and for the journey from home town to headquarters, transfer T.A. restricted to what would be admissible had the journey been performed directly from the place of entry in India to the headquarters, will be permitted. (For officers whose home-towns are *en route* on the journey from the place of entry in India to the new headquarters,

from the date of issue of these orders.

[GIMHA No 43/4/56 Ests (A), dated the 4th November, 1957]

(2) If for the entire leave travel journey, or a part thereof, a Government servant has to pay railway fare on the basis of an assumed or weighted mileage (as for example, on the Kalka Simla Section) or at inflated rates (as for example, on the Siliguri Darjeeling Section) and if the fare for the total distance travelled by rail (including the fare on the basis of assumed or weighted mileage or at inflated rates, as the case may be) be more than the fare for *250 miles at ordinary rates, the Government servant concerned will be entitled to the travel concession, irrespective of the actual distance between his headquarters and his home town. In such a case, the amount reimbursable by the Government to the Government servant in respect of each journey will be nine tenths of the difference between —

- (i) the cost of actual railway fare (inclusive of the passenger tax) from the railway station nearest to his headquarters to his home town, and
- (ii) the cost of the railway fare (inclusive of the passenger tax) at ordinary rates to a point *250 miles from the railway station nearest to his headquarters for both the outward and the return journeys

[Para 1 (d) of GIMHA No 43/10/58 Ests (A) dated the 11th April, 1958 as amended *vide* Memo of even number dated the 29th May, 1958]

(3) The President has been pleased to extend the leave travel concession sanctioned in this Appendix to India based officers and members of the staff serving in India Missions/Posts abroad when they come to India on home leave or home leave cum transfer subject to the conditions laid down in this Appendix as amended from time to time and also subject to the conditions in the succeeding paragraphs

2 The cases will be divided into the following three types

- (i) Officers coming on home leave and going back to their old posts on the expiry of leave.
- (ii) Officers coming on home leave cum transfer to a post in India
- (iii) Officers coming on leave cum transfer to a post in another foreign country

3 For the first category, the port of disembarkation in India on the approved route will be reckoned as the starting point for the commencement of the leave travel concession to the home town and the reimbursement allowed at par with that admissible to employees serving in India

When leave travel concession is not availed of, the leave travel concession advance, if any, taken by the Government servant should be adjusted against his travelling allowance entitlement.

(b) *In the case of the category of para 1(i)(a) above, travel allowance as on tour may be allowed for the journey from the headquarters to the tour station from which the Government servant proceeds to home town and leave travel concession for the journey from tour station to home-town and back to headquarters deeming the tour station as the starting point for the onward journey*

The limitation contained in para 1(3) of this Appendix will be applicable in computing the amount of leave travel concession admissible

(c) *In the cases of the category of para 1(ii)(b) above, leave travel concession as admissible under the rules may be allowed from headquarters to home town and travelling allowance as on tour for the journey from home town to tour station and back to headquarters.*

3 In cases falling under para 1 (u) the provisions of Ministry of Finance Office Memorandum No F. 15 (41) E, IV/48, dated the 23rd April, 1948 (c.f. Foot Note on Page 4 of P & T Compilation of Fundamental and Supplementary Rules Vol II 3rd Ed reprint) will have to be complied with

4 These orders will take effect from the date of issue but claims which were pending on the date of issue may be regulated under these orders. Past cases in which decisions have already been taken will not be reopened.

[G.M.F.A. No F 43 15/55-Exst (A) Dated the 15.4.1960]

(3) Those whose 'homes' are beyond *250 miles from their headquarters shall themselves meet the entire cost of fares for the initial *250 miles on each of the outward and return journeys. For the remaining distance (over the initial *250 miles) the Government will meet 90 per cent of the actual fares, the balance of 10 per cent being borne by the Government servant. In every case the journey should be to the "home" and back, but it need not necessarily commence from or end at the headquarters of the Government servant either in his own case or in the case of the family. But the assistance admissible will be the amount admissible for the actual distance travelled, limited to the amount that would have been admissible had the journey been performed between the headquarters and the 'home' of the Government servant.

it would be preferable to claim only transfer T A throughout and no travel concession will hence be admissible)

These orders shall take effect from the date of issue of this letter Past cases will not be reopened

[GIMHA No 43/7/59 Est (A) dated the 10th September 1959]

(5) The Government of India have had under consideration for some time past the question of the entitlement of a Government servant when he combines a journey on leave travel concession with one on transfer or tour,

Normally the following types of cases are likely to arise —

- (i) *Leave Travel Concession in combination with transfer journey* An officer going to home town on regular leave proceeds therefrom on transfer to the new headquarters
- (ii) *Leave Travel Concession in combination with tour journey*

- (a) an officer proceeding with proper prior permission to home town on regular leave from a tour station and returns to headquarters direct from home town and
- (b) an officer proceeding to a tour station from home town with proper prior permission and returns to headquarters therefrom

2 It has been decided that the combined claims in such cases should be regulated as indicated below —

(a) *In the cases of the category of para 1 (i) above* the officer may be allowed as his minimum entitlement transfer travelling allowance under SR 124 or SR 126 as the case may be He may be allowed in addition leave travel concession under the rules to the extent the distance from old headquarters to home town and from home town to the new headquarters exceeds the distance for which transfer travelling allowance is admissible plus 500 miles

In cases where the distance for which leave travel concession would be admissible as above is negligible it will however be open to the Government servant not to avail of the leave travel concession at all he being permitted to avail of it on some other occasion within the block period subject to other conditions being fulfilled

The option has to be exercised in respect of self and the members of the family at the time of preferring claim for transfer travelling allowance

shall forward the declarations after due verification to the Accounts Officer concerned who shall keep them with the officer's History of Service.

A declaration of 'home' once made shall ordinarily be treated as final, but in exceptional circumstances, the Head of the Department or if the Government servant himself is the Head of the Department, the Administrative Ministry may authorise a change in such declaration provided that such a change shall not be made more than once during the service of a Government servant.

Government of India's orders

(1) A Government servant who has, before the introduction of the leave travel concession already declared his home town or native place in India for some other purposes, the same having been duly entered in his Service Book or in any other official record, need not make a fresh declaration for the purpose of the leave travel concession unless a change therein is desired by him. The Controlling Officer may, however, for his own convenience, maintain a register of such home towns in respect of the staff under his control.

In this connection, some Ministries have represented that some members of their staff, especially displaced Government servants, have been unable to file their declaration of home towns within the stipulated period of six months. The last date for making such declarations is accordingly hereby extended by a further period of six months, i.e., up to the 10th October, 1957.

[Para 2 (c) of GIMHA No 43/5/57 Ests (A) dated the 4th September 1957]

(2) See Government of India's order No (1) below para 1(10) of this Appendix on page 230

(3) An officer who is his own Controlling Officer for purposes of travelling allowance should make the initial or any subsequent declaration of his home town to his next superior administrative authority for acceptance. This procedure should also be followed in cases where declarations have already been sent direct to the Accounts Officers concerned by officers who are their own Controlling Officers. The Comptroller and Auditor General and Secretaries to Government will, however, communicate the initial declaration of home town as well as any subsequent declaration for a change therein direct to the Accounts Officers concerned.

Heads of Departments and Ministries are advised, for the purpose of administrative convenience, to forward to the respective Accounts Officers a list of all concerned gazetted officers who

Government of India's order

The fare for the initial *250¹ miles of a journey which is the liability of the Government servant will be the fare as shown in the Railway Fare Table (i.e. the fare which the Railways would have charged if the journey were only for *250 miles), and not calculated as a proportion of the fare for the total distance travelled (i.e. not on the telescopic rate basis)

[Para 2 (b) of GIMHA No 43/5/57 Ests (A) dated the 4th September 1957]

(4) The term 'home' referred to in this Appendix shall be the permanent home town or village as entered in the Service Book or other appropriate official record of the Government servant concerned, or such other place as has been declared by him, duly supported by reasons, (such as ownership of immovable property, permanent residence of near relatives, for example, parents, brothers etc.) as the place where he would normally reside but for his absence from such a station for service in Government. Persons 'displaced' from territories now part of Pakistan or those who have recently acquired an Indian domicile or those who have not so far declared their homes for any purpose in correspondence with Government, for example, service records, applications for house-building advances, etc., should now make a formal declaration. In every case the declaration should be made to the authority who has been declared to be the Controlling Officer in respect of the Government servant for purpose of travelling allowance claims. It should reach that authority not later than six months from the date of this order or on a date prior to the availing of the concession under this Appendix whichever is earlier date. In the case of a Government servant on Foreign service, the period of six months shall be reckoned from the date of his reversion to Government service unless the concession is extended to him during his Foreign service, in which case a declaration shall be made within six months of the date on which it is decided to extend the concession to him.

Persons who enter Government service in future should make such a declaration before the expiry of six months from the date of entry into Service

The declaration will be subject in each case to the acceptance of the Controlling Officer who shall satisfy himself about the correctness thereof after calling for such evidence as he may consider necessary

In the case of non-gazetted staff, the declaration will be kept on the Service Book or other appropriate service record of the Government servant. In the case of gazetted officers, the Controlling Officer

* Refer to footnote on page 219 of this Volume

home-towns, or who might like to have a change effected in the light of the revised criteria). Such fresh declaration after approval by the Controlling Officer will be treated as the "first declaration" and *not* as a change of declaration in terms of para 1(4) above.

3. Those Government servants who because of the revised definition now become eligible for the leave travel concession would, however, be eligible only for the concessions commencing from the one relating to the 1958-59 block.

[G.I.M.H.A. No. 43/15/57-Ests. (A), dated the 24th June, 1958.]

(5) The term "family" shall have the same meaning as given in Supplementary Rule 2(8) (as amended from time to time) or other corresponding rule applicable to the Government servant for purposes of travelling allowance on transfer. Where wife is also a Government servant, the concession will be admissible to the family on the scale admissible to the husband or the wife and not both.

Government of India's order.

Leave travel concession will be admissible to the members of a Government servant's family with reference to the facts existing at the time of forward and return journeys independently. The following types of cases are given by way of illustration:

I. Entitled to reimbursement in respect of the outward journey only:

- (i) A dependent son/daughter getting employment or getting married after going to home-town, or remaining there for prosecution of studies.
- (ii) The family having performed the journey to home-town have no intention of completing the return journey from home-town, provided the Government servant forgoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to re-imbursement in respect of the return journey only:

- (i) A newly-married wife coming from home-town to headquarters station or a wife who has been living long at home-town and did not avail herself of the leave travel concession in respect of the outward journey.
- (ii) A dependent son/daughter returning with parents or coming alone from home-town where he/she has been prosecuting studies or living with grand-parents etc.

are eligible for the concession together with their approved home towns

[Paragraph 1 (a) of G.M.T.A. No 43/5/57 Lata (A), dated the 11th February, 1958]

(4) From time to time enquiries have been received by Government as to how exactly the 'home town' should be determined. The conditions of ownership of property and permanent residence of relatives laid down in para 1(4) above are only illustrative and not exhaustive for determining one's home town. The correct test to determine whether a place declared by a Government servant may be accepted as his home town or not is to check whether it is the place where the Government servant would normally reside but for his absence from such a station for service under Government. The criteria mentioned below may, therefore, be applied to determine whether the Government servant's declaration may be accepted. —

- (i) Whether the place declared by the Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and, if so, whether after his entry into service, the Government servant had been visiting that place frequently
- (ii) Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there
- (iii) Whether his near relations are resident in that place
- (iv) Whether, prior to his entry into Government service, the Government servant had been living there for some years

Note —The criteria one after the other, need be applied only in cases where the immediately preceding criterion is not satisfied

Where the Government servant or the family of which he is a member owns residential or landed property in more than one place, it is left to the Government servant to make a choice giving reason for the same, provided that the decision of the Controlling Officer whether or not to accept such a place as the home town of the Government servant shall be final

Where the presence of near relations at a particular place is to be the determining criterion for the acceptance of declaration of home town, the presence of near relations should be of a more or less permanent nature

2 It has been decided, in view of the comprehensive revised definition of 'home town,' to give a further opportunity to declare the home towns afresh within a time limit (i.e. by the 31st October 1958) to all those who might be affected by the revised definition e.g. (whose earlier declarations were rejected but who would now become eligible to declare particular places as their

sion is applicable equally to permanent Government servants and probationers as well as to temporary and officiating employees

[Para 1 (b) of GIMHA No 43/10/58 Ests (A) dated the 11th April 1958]

(7) The concession will be admissible only in the case of journeys performed by the Government servant during regular leave, including medical leave, leave on average pay, earned leave, leave on half average pay or extraordinary leave and not in the case of journeys performed during casual leave. The period of leave taken should not be less than 15 days. In the case of Government servant serving in a vacation department, vacation will be treated as regular leave for the purpose of this concession

Government of India's orders

(1) It has been decided that the concession will also be admissible to officers proceeding on leave preparatory to retirement the Government's assistance on the usual scale being limited to fares for self and family for the outward journey only. The concession will not, however be admissible to a Government servant who proceeds on regular leave and then resigns his post without returning to duty

[Para 2 (c) of GIMHA No 43/5/57 Ests (A) dated the 4th September 1957]

(2) A Government servant and/or his family members will be entitled for the leave travel concession irrespective of the actual period of stay in his home town

[Para 1 (b) of GIMHA No 43/5/57 Ests (A) dated the 11th February 1958]

(3) The present minimum limit of 15 days regular leave for admissibility of the leave travel concession can be relaxed by the *Ministries or Heads of Departments* at their discretion in cases where they consider and certify in writing that it is necessary in the public interest to curtail leave of the Government servant for a period less than 15 days

The leave travel concession will also be admissible during maternity leave

[Para 1 (c) of GIMHA No 43/10/58 Ests (A) dated the 11th April 1958]

(4) The concession will also be admissible to a Government servant and his family in respect of only the outward journey from headquarters to home town during refused leave and terminal leave provided the concession had not been availed of earlier during that particular block of two calendar years. In cases of leave preparatory to retirement refused and terminal leave the

(iii) A child who was previously below three/twelve years of age but has completed three/twelve years of age only at the time of the return journey

(iv) A child legally adopted by a Government servant while staying in the home town

[Para 2 (d) of GIMHA No 43/10/58 Ests (A) dated the 11th December 1958]

(6) The concession is not admissible to a Government servant who has not completed one year of continuous service on the date of journey performed by him or his family, as the case may be

Government of India's orders

(1) Members of All India Services and State Government employees on deputation with the Central Government, would also be eligible for the concession subject to the following conditions —

- (i) The successive blocks of two calendar years in the case of such employees shall be reckoned from the actual dates of their joining posts under the Centre. If, however, an officer has joined a Central Government post before 1 1 1956, the first block should be reckoned from 1 1 1956 to 31 12 1957
- (ii) the appropriate administrative authority certifies at the time the Government servant concerned avails himself of the leave travel concession that he is likely to continue to serve under the Central Government for a period of two years from the date of his joining a post under the Central Government. The admissibility of the concession during the subsequent two year periods will also be subject to the similar condition

For Example if an officer joins the Central Government service on 15 5 1956 he will be entitled to the first travel concession any time from 11 10 1956 up to the expiry of the first block on 14 5 1958 provided the competent authority certifies that the officer is likely to remain in the Central service up to 14 5 1958. He will similarly be entitled to the second concession any time between 15 5 1958 and 14 5 1960 provided it is certified that he is expected to remain under the Centre up to 14 5 1960

[Para 2 (d) of GIMHA No 43/5/57 Ests (A) dated the 4th September 1957 as amended by No 43/10/58 Ests (A) dated the 11th December 1958]

(2) The condition of one year's continuous service on the date of the journey for admissibility of the leave travel conces

- (b) The Government assistance towards the cost of journeys between places not connected by rail will be admissible to the Government servants for that portion of the journey for which the leave travel concession is admissible as under —

- (i) For the journey which is covered by a recognised public transport system the Government assistance should be on the basis of 90% of the fares actually charged by such a system for the appropriate class of accommodation

Where there are more than one class of accommodation, the appropriate class may be determined as follows —

- (a) where there are only two classes officers drawing pay of Rs 500 p.m. and above will be entitled to the higher class and those drawing pay less than Rs 500 p.m. will be entitled to the lower class
- (b) where there are more than two classes Government servants drawing pay of Rs 500 p.m. and above will be entitled to the highest class those drawing less than Rs 500 p.m. other than Class IV employees will be entitled to the second highest class and Class IV employees will be entitled to the lowest class
- (ii) For the portion of the journey which is not connected by a recognised public transport system Government assistance should be on the basis of 90% of the road mileage at the appropriate *reduced* rate as prescribed in the Government of India's order No (1) below SR 46 in PT Compilation of the Fundamental and Supplementary Rules

In either case the amount of Government assistance should be calculated on the basis of actual fares or mileage allowance as above as the case may be at single rates for the Government servant himself and each entitled member of his family for whom full fares are payable and at half the rates for children between the ages of 3 and 12 years for whom half fares are payable

2. No incidental expenses will be payable for the journey performed under Leave Travel Concession Scheme

LC T.M.H.A. No. 61/59 Estt. (A) dated the 15th June, 1960 as amended by mem. of even N. dated the 7th February 1961.

journey by both the Government servant and his family members, should however, commence within the period of leave

{Para 1 (b) of GIMHA No 43/10/58 Ests (A) dated the 11th December 1958}

(8) In the event of the return journey falling in the succeeding *calendar year, the concession should be counted against the year in which the outward journey commenced.

(9) If the leave applied for by a Government servant is refused in writing by the authority competent to sanction the same in the interest of public service and if it is also certified by that authority that leave cannot be granted at any time during that calendar year, the concession may be granted in respect of the family of the Government servant during that year. In that case, the concession will be deemed to have lapsed for that occasion so far as the Government servant himself is concerned *

(10) The concession is restricted to journey by rail within India

Government of India's orders

(1) A Government servant who declares subject to the satisfaction of the Controlling Officer that his home town is outside India will also be entitled to the leave travel concession for visiting his home town. Government's assistance in such a case will be limited to the share of the fares for journeys (i) up to and from the railway station (by the shortest route) nearest to the home town or (ii) the railway station for the nearest port of embarkation/disembarkation in India. The term nearest port for this purpose means the port in India nearest to the home town of the Government servant

[Para 1 (f) of GIMHA No 43/5/57 Ests (A) dated the 4th September 1957]

(2) Paras 1(10) and 4 of this Appendix lay down that the leave travel concession is to be restricted to journey by rail only and that certain categories of employees are not eligible for the concession. These issues have been reconsidered in the light of the recommendations made by the Pay Commission and the following decisions are communicated for the information of all concerned —

- (a) Industrial and work charged staff who are entitled to regular leave will also be eligible to avail of the leave travel concession in the same manner as other Central Government employees. The first block in their case would be 1960 61

ever, were to be regarded as a single entity and were expected to travel together. In case they travelled in different groups at different times, reimbursement could be claimed in respect of only one such group at the option of the Government servant. It has been urged that *inspite of this relaxation there is still some hardship in as much as it is not always convenient to officers to arrange for their families to travel together and the employees were prevented from claiming reimbursement of expenses incurred on the journeys performed by some members of their family*

It has now been decided that the members of the family of a Government servant may either travel together or separately in different groups as may be convenient to them. Where they travel in different groups at different times reimbursement of expenditure may be allowed in respect of each such group if the outward journey of the last of such groups commences before the expiry of six months from the date of commencement of the outward journey by the first group and the return journey of each group must be completed within six months from the date of commencement of the outward journey by that group. This condition may be relaxed in special cases by administrative Ministries and in the case of the staff of the Indian Audit and Accounts Department by the Comptroller and Auditor General at their discretion.

Where advances are sanctioned separately for each different group of family members of the Government servant, there would be no objection to permitting adjustment of claims separately. Where, however, a consolidated advance is drawn by the Government servant in respect of the members of his family, the adjustment claim should be prepared in a single bill.

2 According to para 1(b) of G I order No (3) below para 1(10) of this Appendix on page 232, the Government servants and their families who are unable to avail themselves of the concession in a block of two years may be permitted to avail of the concession before the end of the first year of the next block. In view of the relaxation agreed to in the previous paragraph, it has been decided that the concession admissible for a particular block of two years which is not availed of during that block should be made available in the first year of the next block to the Government servant and his family independently of each other.

3 One of the basic conditions governing the Leave Travel Concession Scheme is that Government's liability for the cost of railway fare or actual expenses for travel between a Government servant's headquarters and his home town should be limited to the share of the fare by the shortest route. In some cases, however the term "shortest route" has been interpreted to mean the

(3) The following further orders are communicated for the information of all concerned*—

- (a) A Government servant who has a family, as defined for the purpose of the leave travel concession, living away from his place of work, may, instead of having the concession for his family as well as for himself once in a block of two years, avail of the concession for himself alone once every year for visiting his home town
- (b) The Government servants and their families who are unable to avail themselves of the concession in a block of two years, may be permitted to count the next block period from the end of the first year. Thus, in a case where the Government servant and his family could not avail themselves of the concession in the 1960-61 block, they should be eligible to count the next block with effect from the 1st January, 1961. The concession due for the year 1960-61 block must, however, be availed of by them before the 31st December, 1962. In case they fail to avail themselves of the concession before that date, their title to concession for that block should be treated as having lapsed
- (c) In respect of places not connected by rail, the Government servant may travel by air where an alternative means of travel is either not available or is more expensive. In such cases, Government will bear the same proportion of cost as in the case of rail journeys

2 These orders take effect from the 15th June, 1960

[G.M.H.A. No. 6/7/59 Ests. (A), dated the 6th October, 1960]

(4) The original Leave Travel Concession Scheme contained in this Appendix envisaged that the members of the family of a Government servant should travel with him both ways, in order to enable him to claim reimbursement of his travel expenses in accordance with the provisions of the Scheme. This requirement was relaxed, to some extent, in April, 1958, and it was decided that the Government servant and his family members could travel either independently or together, as might be convenient to them, and the claim for reimbursement in respect of the journey of one need not depend on the journey performed by the other. The Government servant could, therefore, claim reimbursement in respect of the journey performed by the family members, provided the return journey was completed within six months of the outward journey, even though the Government servant himself might not have undertaken the journey either way. The members of the family (other than those who actually accompanied him), how-

commodation of the entitled class and/or the lower class, to the extent actually used

(iii) There is also no objection to a Government servant (or his family-members) availing himself of any concessional return journey tickets announced by the Railway authorities (e.g. seasonal concession, student's concession etc.) in conjunction with the leave travel concession. In such a case, subject to Government of India's order No (1) below para 1(3) on page 224, the fares for the first *250 miles at either end should be calculated proportionately on the basis of the concessional fare charged by the Railways and this amount then deducted from the total fare actually paid. The amount reimbursable to the Government servant will then be 9/10ths of the balance

[Para 2 (g) of GIMHA No 43/5/57 Ests (A), dated the 4th September, 1957]

(2) There is no objection to a Government servant or his family members availing themselves of concessional circular Trip Ticket offered by the Railway Authorities in conjunction with the leave travel concession

It will also be permissible while utilizing such a concessional ticket, to travel in any class, higher or lower than the entitled one

In such cases, double the fares for *250 miles should be calculated proportionately on the basis of the concessional fare charged by the railways for the entitled or the lower class actually used and this amount deducted from the fare for the shortest route between headquarters and the home town, calculated proportionately on the basis of the concessional fare charged. The amount reimbursable to the Government servant will then be 9/10th of the balance

[Para 1 (d) of GIMHA No 43/10/58 Ests (A), dated the 11th December, 1958]

(3) Where the Government servant and/or his family travel by road, in a private car, between two points connected by rail, the cost of propulsion being borne by the Government servant himself, the extent of Government assistance admissible will be equivalent to what would have been admissible had the journey been performed by rail by the entitled class. In such cases, no scrutiny of actual expenses incurred for the journeys by car will be made. In the case of officers who are their own Controlling Officers, a certificate by them to the effect that they and/or the members of their family travelled by private car may be accepted as adequate. In other cases reimbursement will be allowed pro-

* Refer to footnote on page 219 of this Volume.

cheapest route and it was brought to the notice of the Ministry of Home Affairs that this has resulted in hardship in some cases where the individuals travelled by a route considered shortest in point of time though it was a little costlier. It has, accordingly, been decided that the term "shortest route" under the Leave Travel Concession Scheme should be given the same interpretation as recognised for travel on duty.

4 These orders will take effect from the date of issue but claims which are pending on the date of issue may be dealt with under these orders. Past cases in which decisions have already been taken should however not be reopened.

[GIMHA No. 43/7/60 Ests. (A), dated the 17th August, 1961]

(11) The class of railway accommodation to which a Government servant and his family will be entitled will be the class to which he is entitled under the normal rules at the time the journeys are undertaken. It will be permissible for the Government servant and/or his family to travel in a class higher or lower than that to which he is entitled, in the former case, the Government's liability for the distance in excess of 250 miles will be restricted to 90 per cent of the fare for the excess distance by the class to which he is entitled and in the latter case, 90 per cent of the fare for the excess distance by the class in which he or his family actually travelled. If on such journeys or parts of such journeys the Government servant or a member of his family travelled by air or by road or by steamer, the extent of Government assistance will be limited to what would have been admissible had he travelled by rail in the authorised class or the actual expenses, whichever is less.

Government of India's orders

(1) (i) There is no objection to Government servants, normally entitled to travel by the I or II class, travelling also by III class in the deluxe air conditioned train while availing themselves of the leave travel concession. The cost on account of the surcharge over the third class fare which is levied in such a case will be apportioned between Government and the Government servant in the same manner as the cost of the basic III class fare.

also needed. A Government servant may travel in any class for the Government's rules of each journey which is his own liability. Besides, it may be noted also, there would be no objection to a Government servant returning travelling in a lower or a higher class, but, subject to the return journey (1) below para 1(3) on page 224, Government's assistance will be limited to 90 per cent of the fares of the actual journey. (2) the family (3) (note on page 219 of this volume.)

(14) No road mileage will be admissible where only road facilities exist

2. It is proposed to make arrangements with the Ministry of Railways for the issue of special warrants or special ticket orders to enable the Government servants and their families to whom these concessions are admissible to purchase railway tickets for the journeys at concessional rates. Details of the procedure for the purpose are under consideration separately and further instructions will issue. In the meanwhile, Government servants will be reimbursed 90 per cent of the railway fare they have paid for themselves and their families after paying the full fare for the first *250 miles of the journey on presentation of claims in T A bill forms on the usual certificate that they actually performed such journeys and travelled by the class of accommodation not lower than that for which reimbursement of fare is claimed. The Government servants should inform the Controlling Officer before journeys for which assistance under this scheme will be claimed are undertaken. They should also produce evidence of their having actually performed the journey, for example, serial numbers of railway tickets, cash receipts etc.

Government of India's orders

(1) Where a Government servant and his family perform journeys separately there is no objection to his presenting separate claims. In each case, however the claim should be for both outward and inward journeys. The claim for the journey performed earlier in the same year by family members becomes admissible only when the Government servant proceeds to his home town on leave or his leave is refused for the entire calendar year.

[Para 2 (i) of CIMHA No 43/5/57 Estt (A) dated the 4th September, 1957]

(2) Relaxation of minor nature viz production of cash receipts for railway tickets prior intimation to the Controlling Officer before the journeys are undertaken by the Government servants and/or their families under the Leave Travel Concession Scheme etc can be made by the Controlling Officer, if he is otherwise satisfied in regard to the genuineness of the claim and the bonafides of the journey having been performed. There is no objection to such relaxation being made by the Controlling Officers themselves purely on merits in really deserving cases not as a general measure.

[Para 1 (f) of CIMHA No 43/5/57 Estt (A) dated the 11th February 1958]

* Refer to footnote on page 219 of this Volume

† Refer to Government of India's order No (2) below para 1(1) on page 218

vided the Controlling Officer is satisfied that the journeys were actually performed by private car

[Para 1 (c) of GIMHA No 43/5/57 Ests (A) dated the 11th February 1958]

(4) There is no objection to Government servants (or their family members), normally entitled to travel by I or II class of railway accommodation, travelling also by III class and availing of the "sleeper accommodation. In such cases, 90% of the extra cost incurred for sleeper accommodation will be borne by Government

[Para 1 (d) of GIMHA No 43/5/57 Ests (A), dated the 11th February 1958]

(12) Government's liability for the cost of railway fare between the Government servant's headquarters and his home shall be limited to the share of the fare by the shortest route

Government of India's orders

(1) With a view to facilitate compilation of statistical information in this regard, it has been decided that the expenditure in question should be debited to a separate detailed head "Travel Concession" under the Sub Head 'Allowances, Honoraria etc' subordinate to the appropriate major and minor heads

[GIMHA No 43/1/57 Ests (A), dated the 13th February 1957]

(2) There is no objection to the Government servants of the 3rd and 4th grades travelling by mail/express train when availing themselves of the leave travel concession and claiming reimbursement accordingly. In such cases, a certificate to the effect that the journey was actually performed by a mail/express train should be recorded by the claimant on his T A bill

[Para 2 (h) of GIMHA No 43/5/57 Ests (A) dated the 4th September 1957]

(3) A Government servant or his family members may travel by any route or halt anywhere on the way to or from home town, but the Government assistance shall be limited to their share of the fare by the shortest route calculated on a 'through' ticket basis.

[Para 1 (e) of GIMHA No 43/5/57 Ests (A) dated the 11th February 1958]

(13) For places which are not themselves connected with rail but which are connected with the railway system by road or steamer, unless the road transport or steamer services are owned by the Railway, the concession will be admissible for journeys from and up to the nearest railway station only.

(14) No road mileage will be admissible where only road facilities exist

2. It is proposed to make arrangements with the Ministry of Railways for the issue of special warrants or special ticket orders to enable the Government servants and their families to whom these concessions are admissible to purchase railway tickets for the journeys at concessional rates. Details of the procedure for the purpose are under consideration separately and further instructions will issue. In the meanwhile, Government servants will be reimbursed 90 per cent of the railway fare they have paid for themselves and their families after paying the full fare for the first *250 miles of the journey on presentation of claims in T A bill forms on the usual certificate that they actually performed such journeys and travelled by the class of accommodation not lower than that for which reimbursement of fare is claimed. The Government servants should inform the Controlling Officer before journeys for which assistance under this scheme will be claimed are undertaken. They should also produce evidence of their having actually performed the journey, for example, serial numbers of railway tickets, cash receipts etc.

Government of India's orders

(1) Where a Government servant and his family perform journeys separately there is no objection to his presenting separate claims. In each case, however, the claim should be for both outward and inward journeys. The claim for the journey performed earlier in the same year by family members becomes admissible only when the Government servant proceeds to his home town on leave or his leave is refused for the entire calendar year.

[Para 2 (c) of GIMHA No 41/5/57 Estt (A), dated the 4th September 1957]

(2) Relaxation of minor nature viz production of cash receipts for railway tickets prior intimation to the Controlling Officer before the journeys are undertaken by the Government servants and/or their families under the Leave Travel Concession Scheme etc can be made by the Controlling Officer, if he is otherwise satisfied in regard to the genuineness of the claim and the bonafides of the journey having been performed. There is no objection to such relaxation being made by the Controlling Officers themselves purely on merits in really deserving cases not as a general measure.

vided the Controlling Officer is satisfied that the journeys were actually performed by private car

[Para 1 (c) of G.M.H.A. No 43/5/57 Exts (A) dated the 11th February 1958]

(4) There is no objection to Government servants (or their family members), normally entitled to travel by I or II class of railway accommodation, travelling also by III class and availing of the 'sleeper' accommodation. In such cases, 90% of the extra cost incurred for sleeper accommodation will be borne by Government.

[Para 1 (d) of G.M.H.A. No 43/5/57 Exts (A) dated the 11th February 1958]

(12) Government's liability for the cost of railway fare between the Government servant's headquarters and his home shall be limited to the share of the fare by the shortest route.

Government of India's orders

(1) With a view to facilitate compilation of statistical information in this regard, it has been decided that the expenditure in question should be debited to a separate detailed head 'Travel Concession' under the Sub Head "Allowances, Honoraria etc.' subordinate to the appropriate major and minor heads.

[G.M.H.A. No 43/1/57 Exts (A) dated the 13th February, 1957]

(2) There is no objection to the Government servants of the 3rd and 4th grades travelling by mail/express train when availing themselves of the leave travel concession and claiming reimbursement accordingly. In such cases, a certificate to the effect that the journey was actually performed by a mail/express train should be recorded by the claimant on his T A bill.

[Para 2 (A) of G.M.H.A. No 43/5/57 Exts (A), dated the 4th September 1957]

(3) A Government servant or his family members may travel by any route or halt anywhere on the way to or from home town, but the Government assistance shall be limited to their share of the fare by the shortest route calculated on a 'through' ticket basis.

[Para 1 (c) of G.M.H.A. No 43/5/57 Exts (A) dated the 11th February 1958]

(13) For places which are not themselves connected with rail but which are connected with the railway system by road or steamer, unless the road transport or steamer services are owned by the Railway, the concession will be admissible for journeys from and up to the nearest railway station only.

8 The advance will have to be refunded forthwith, if the outward journey is not commenced within 15 days of the grant of advance

9 The Travelling Allowance claim in adjustment of the advance drawn should be prepared within one month of the completion of the return journey

[GIMHA No 43/3/57 Estt (A) dated the 1st April, 1958]

(4) When a Government servant or any member of his family performs the journey by a longer route (which is not the cheapest) in two different classes of railway accommodation beyond the first *250 miles for example, partly by II Class to which he is entitled and partly by III Class, the entitled class rate will be admissible for the corresponding proportion of the shortest or the cheapest route and the lower class rate for the remaining mileage by such route

Example If the total distance by the longer route is 1100 miles and that by the shortest route is 1000 miles and if the Government servant concerned has travelled the initial 800 miles by III Class and the remaining 300 miles by II Class, Government's share of reimbursement of the expenditure incurred in this case should be as follows*—

(i) Mileage for which III Class fare will be admissible:—

$$\frac{\text{Distance actually travelled by III Class}}{\text{Total distance by the longer route}} \times \frac{\text{Total distance by the shortest route}}{\text{Total distance by the longer route}} = \frac{800}{1100} \times 1000 = 727 \text{ miles (roundly)}$$

(ii) Mileage for which II Class fare will be admissible:—

$$\frac{\text{Distance actually travelled by II Class}}{\text{Total distance by the longer route}} \times \frac{\text{Total distance by the shortest route}}{\text{Total distance by the longer route}} = \frac{300}{1100} \times 1000 = 273 \text{ miles (roundly).}$$

Since the entire cost of fares for the initial 250 miles is to be met by the Government servant, the Government's share for reimbursement will be 9/10th of III Class fare for 727—250=477 miles plus 9/10th of II Class fare for 273 miles.

[Para : (f) of GIMHA No 43/10/58 (A), dated the 11th April, 1958]

(5) The Government of India have had under consideration the question of prescription of uniform certificates to ensure that the various conditions governing the grant of leave travel conces

* Refer to footnote on page 219 of this Volume.

(3) As the finalisation of the arrangements for the introduction of special warrants or special ticket orders to enable Government servants to purchase railway tickets at concessional rates is likely to take some time, it has been decided that advances may be granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case will be limited to four fifths of the estimated amount which Government would have to reimburse in respect of the cost of the journey both ways to the home town and back.

2 Where the Government servant and members of his family avail themselves of leave travel concession separately i.e. at different times there would be no objection to the advance being drawn separately to the extent admissible.

3 The advance may be drawn for both the forward and return journeys of the Government servant and/or the members of his family at the time of the commencement of the forward journey provided the period of leave taken by the Government servant or the period of anticipated absence of the members of the family does not exceed three months or 90 days.

Where the period of leave or the period of anticipated absence exceeds three months or 90 days the advance can be drawn for the forward journey only.

Where an advance has been drawn for both the forward and return journeys and later it becomes clear that the period of absence either of the officer or of the officer's family from head quarters is likely to exceed three months or ninety days one half of the advance should be refunded to Government forthwith.

4 The advance in respect of temporary Government servants and their families will be sanctioned subject to the production by them of surety of a permanent Central Government servant.

5 Officers who are their own Controlling Officers for travel ling allowance purposes may sanction the advance to themselves. In the case of others the sanction of the Controlling Officer concerned would be required.

6 The account of advance drawn for leave travel journeys will be rendered after completion of the journeys in the same way as for an advance of Traveling Allowance on tour.

7 The amount of advance will be debited to a separate detailed head Travel Concession under the sub head Allowances Honoraria etc sub-ordinate to the appropriate final head of account to which the pay etc of the Government servant concerned is debited and the adjustment of the advance will be watched through objection book by the Accounts Officer concerned.

ther or not he availed of the travel assistance under these orders is indicated.

4. These orders will not apply to persons who are :—

- (i) not in the whole time employment of Government;
- (ii) paid from contingencies;
- (iii) borne on work charged establishment;
- (iv) industrial employees;
- (v) employed in the Railways;
- (vi) members of the Armed Forces; or
- (vii) eligible for any other form of leave travel concession

Government of India's orders

(1) An employee of the Central Government's commercial/industrial undertaking or of a statutory body under the supervision of the Central Government will also be eligible for the concession, whether he is a direct recruit or is on deputation from a State Government, subject to the following conditions:—

- (i) the Board of Directors or other competent authority of the undertaking concerned have passed specific orders making the concession applicable to their employees, and
- (ii) the cost of the concession shall be met by the undertaking/body concerned. *The above provision will not apply to persons mentioned in Para 4 above*

Central Government employees, on foreign service with Government's commercial/industrial undertaking or statutory bodies, will also be eligible for the leave travel concession provided that provision for its admissibility has been incorporated in the orders placing the employee on foreign service with the undertaking concerned. As regards the Central Government servants already on foreign service with such undertakings, action may be taken in consultation with the undertakings concerned to modify suitably the terms and conditions of their deputation so as to make them eligible for the concession. The cost of the concession in all such cases will, of course, be met by the undertaking concerned.

[Paragraphs 3 and 4 of G.I.M.H.A. No. 43/5/57 Eus (A), dated the 4th September, 1957]

(2) Officers appointed on contract basis will be eligible for the concession on completion of one year's continuous service if the period of contract is more than one year. Where the initial contract is for one year but is later extended, the total duration of the contract will be taken into account for this purpose. The grant of the concession to contract officers will be subject to the

Note—The Government of India's orders given below the paragraphs of this Appendix have also been issued after consultation with the Comptroller and Auditor General

APPENDIX XXVIII

*ALL INDIA SERVICES (STUDY LEAVE) REGULATIONS, 1960

Short title 1 The regulations may be called the All India Services (Study Leave) Regulations, 1960

2 (1) In these regulations, unless the context otherwise requires —

- (a) '*Audit Officer*' means such officer as may be appointed by the Comptroller and Auditor General of India
- (b) '*Head of Mission*' means Ambassador, *Charge d Affairs* Minister, Consul General, High Commissioner and any other authority declared as such by the Central Government in the country in which the member of the Service undergoes a course of study or training,
- (c) '*Pay and Accounts Officer*' means such officer as may be appointed by the Ministries or Departments of the Government of India in consultation with the Comptroller and Auditor General of India

(2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the All India Services (Leave) Rules 1955

3 *Conditions for grant of study leave* (1) Subject to the conditions prescribed in these regulations study leave may be granted to a member of the Service, with due regard to the exigencies of public service, to enable him to undergo, in or out of India —

- (i) a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty, or
- (ii) a course of training or study tour where such course of training or study tour is related to the sphere of his duties, even though he may not attend a regular academic or semi-academic course or
- (iii) studies connected with the framework or background of public administration, or

* GIMHA No. 8/5/56-AIS (III) dated the 16th June 1960 as amended by No. 16/2/61 AIS (III) dated the 16th July 1962

conditions laid down in Government of India's order No (1) below para 1(6) on page 228

Re employed officers will be eligible for the concession on completion of one years continuous service and subject to the conditions laid down in the order referred to in the above sub para. But in the case of re employment immediately after retirement, the period of re employed service may be treated as continuous with the previous service for the purpose of leave travel concession and the concession allowed for the re employed period (provided the travel concession would have been admissible to the re employed officer had he not retired but had continued as a serving officer)

For instance if the officer avails of the concession in February 1958, retires in March, 1958, and is re employed immediately thereafter he should not get a further concession till the expiry of the block of two years 1958 1959, i.e. till 31st December, 1959. He may be allowed the concession in the next block of two years 1960 61, if the period of re employed service extends beyond 31st December 1959 and is not likely to end before the expiry of the Block 1960 61

[Para 1 (c) GIMHA No 43/10/58 Ests (A) dated the 11th April 1958]

(3) The Government of India have had under consideration the question of admissibility of leave travel concession to officers who were absorbed under the Central Government consequent on the Federal Financial Integration of the erstwhile Indian States but who opted to be governed by the pre absorption terms and conditions of service. It is considered that the option in favour of pre absorption terms and conditions of service exercised in 1952 should not debar the optee from any new concession granted to all Central Government servants after that event. It has, therefore been decided to extend to these Government servants the benefit of leave travel concession contained in this Appendix.

Past cases which have already been decided will not be re opened

[GIMHA No 43/1/59 Ests (A) dated the 3rd April 1959]

(4) See G I order No. 2 below para 1(10) on page 230

5 The orders contained in this Appendix shall take effect from the date of their issue and will cover journeys commenced on or after that date viz. the 11th October, 1956

6 In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General

der the Central Government the grant of study leave shall be subject to the conditions that —

- (i) the sanctioning authority shall not appoint a substitute to carry on his work in his absence and
- (ii) the concurrence of the State Government on whose Cadre he is permanently borne is obtained before leave is given

4 *Maximum amount of study leave that may be granted at a time and during the entire service* The maximum amount of study leave which may be granted to a member of the Service—shall be —

- (i) ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons and
- (ii) twenty four months (inclusive of study leave granted under any other rules) in all during his entire service

5 *Combination of study leave with leave of other kinds*

(1) Study leave may be combined with other kinds of leave but in no case shall the grant of this leave in combination with the leave other than extraordinary leave involve a total absence of more than twenty eight months from the regular duties of the member of the Service

(2) A member of the Service granted study leave in combination with any other kind of leave may if he so desires commence his study before the end of the other kind of leave but the period of such leave coinciding with the course of study shall not count as study leave

6 *Regulation of study leave extending beyond course of study* When the course of study falls short of study leave sanctioned the member of the Service shall resume duty on the conclusion of the course of study unless the previous assent of the Government to treat the period of shortfall as ordinary leave has been obtained

7 *Grant of study and other allowances* (1) A study allowance shall be granted for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work as well as for the period covered by any examination at the end of the course of study

Provided that the period for which study allowance may be granted shall not exceed twenty four months in all

(2) (a) The rates of the study allowance shall be as follows but may be revised from time to time —

- (iv) studies which may not be closely or directly connected with the work of the member of the Service, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of public service.

Provided that the grant of study leave under clauses (ii) and (iii) shall be subject to the following conditions, namely:—

- (a) that the particular course of training, study or study tour is approved by the authority competent to grant study leave, and
- (b) that the member of the Service is required to submit, on his return, a full report on the work done by him while on study leave.

Note—Applications for study leave falling under clause (iv) shall be considered on merits of each case, in consultation with the Central Government

(2) Study leave shall not be granted unless,—

- (i) it is certified by the Government that the proposed course of study or training shall be of definite advantage from the point of view of public interest, and
- (ii) it is for prosecution of studies in subjects other than academic or literary subjects.

(3) Study leave out of India shall not be granted¹ for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Government of India

(4) Study leave shall not ordinarily be granted to a member of the Service:—

- (i) who has rendered less than five years' service under the Government; or
- (ii) who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave

(5) Study leave shall not be granted to a member of the Service with such frequency as to remove him from contract with his regular work or to cause cadre difficulties owing to his absence on leave

(6) Where a member of the Service borne permanently on the cadre of one State is serving temporarily in another State or un-

days at a time during which the member of the Service is prevented by sickness from pursuing his course of study

(7) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the Government, if the Study leave availed of is in India or in a country where there is no Indian Mission, and by the Head of Mission, in other cases on claims submitted by the member of the Service from time to time, supported by proper certificates of attendance

(8) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the member of the Service is undergoing study in an educational institution, or at intervals not exceeding three months, if he is undergoing study at any other institution

(9) When the programme of study approved does not include, or does not consist entirely of such a course of study, the member of the Service shall submit to the Government or Head of Mission, as the case may be, a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India. The Government shall decide whether the diary and report show if the time of the member of the Service was properly employed and shall determine accordingly for what periods study allowance may be granted

(10) A member of the Service shall not ordinarily be paid travelling allowance but the Government may in exceptional circumstances sanction the payment of such allowance

(11) A member of the Service, who is granted study leave, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non Government source. Such a member of the Service shall ordinarily not be granted any study allowance, but in special cases where the net amount of the scholarship or stipend (*i.e.*, the value of the scholarship or stipend *minus* any cost of fees paid by the member of the Service) is less than the study allowance that would be admissible but for the scholarship or stipend the difference between the value of the net scholarship or stipend and the usual study allowance may be granted by special sanction

(12) If a member of the Service, who is granted study leave, is permitted to receive and retain, in addition to his leave salary any remuneration in respect of a part time employment, he shall ordinarily not be granted any study allowance, but in special cases where the net amount of remuneration received in respect

Name of Country	Study allowance per diem
India	Half of the full daily allowance, to which the member of the Service would have been entitled had he been on tour to the place of study
United Kingdom	16s
Continent of Europe	£1
United States of America	30s

(b) The rates of study allowance to be granted to a member of the Service who takes study leave in other countries shall be such as may specially be determined by the Central Government.

(c) No allowance of any kind, other than the study allowance or the travelling allowance, where specially sanctioned under sub regulation (10) of regulation 7, shall be admissible to a member of the Service in respect of the period of study leave granted to him

(3) Study allowance may be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the member of the Service that he would refund to Government any overpayment consequent on his failure to produce the required certificate of attendance or otherwise.

(4) A member of the Service may be allowed to draw study allowance for the entire period of vacation during the course of study subject to the conditions that—

- (i) he attends during vacation any special course of study or practical training under the direction of the Government, or
- (ii) in the absence of any such direction, he produces satisfactory evidence before the Government or Head of Mission, as the case may be, that he has continued his studies during the vacation

(5) No study allowance shall be drawn during vacation falling at the end of a course of study except for a maximum period of fourteen days

Note —The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty four months for which study allowance is admissible

(6) Study allowance shall not be granted for any period during which the member of the Service interrupts his course of study to suit his own convenience;

Provided that the Government, in a case where the study leave is taken in India or a country where there is no Indian Mission, and the Head of Mission, in other cases, may authorise the grant of study allowance for any period not exceeding fourteen

10 *Leave salary during study leave* During study leave, a member of the Service shall draw leave salary admissible during half pay leave under rule 20 of the All India Services (Leave) Rules, 1955

11 (1) *Counting of study leave for promotion, pension, seniority, leave and increments* Study leave shall count as service for promotion, pension, seniority and increments. Provided that in the case of a member of the Service who at the time of proceeding on study leave, was officiating in a higher post, the study leave shall count for increments to the extent indicated by Government from time to time

(2) The period spent on study leave shall not count for leave other than half pay leave under sub rule (1) of rule 12 of the All India Services (Leave) Rules, 1955

12 *Procedure for making application for study leave and grant of such leave* The procedure for making application for study leave and grant of such leave shall be as laid down in the Procedural instructions given in Annexure B.

ANNEXURE 'A'

[See regulation 9 (1)]

BOND TO BE EXECUTED BY THE MEMBER OF THE SERVICE PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I
resident of _____ in the District of _____ at present
employed as _____ in the Ministry of _____ Govern-
ment of India/under the Government of _____ do hereby bind
myself my heirs executors and administrators to pay to the President of India
(here in after referred to as the Government) on demand and without demur
the sum of Rs _____ (Rupees _____) together
with interest thereon from the date of demand at Government rates for the time
being in force on Government loans or, if payment is made in a country other
than India the equivalent of the said amount in the currency of that country
converted at the official rate of exchange between that country and India and
together with all costs between attorney and client and all charges and expenses
that shall or may have been incurred by the Government

Dated this _____ day of _____ one thousand
nine hundred and _____

WHEREAS the above bounden _____ is granted study
leave by Government

AND WHEREAS for the better protection of the Government the above-
bounden has agreed to execute this bond with such condition as hereunder is
written

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS
THAT in the event of the above bounden _____ resigning or retiring from
service without returning to duty after the expiry or termination of the period

of the part time employment (*i.e.* remuneration *minus* any cost of fees paid by the member of the Service) is *less* than the study allowance that would be admissible but for the remuneration, the difference between the net remuneration and the usual study allowance may be granted by special sanction

8 *Cost of fees for study* A member of the Service granted leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the Government may sanction the grant of such fees

Provided that in no cases shall the cost of fees be paid to a member of the Service who is in receipt of scholarship or stipend or who is permitted to receive or retain in addition to his leave salary any remuneration in respect of part time employment

9 *Resignation and retirement* (1) Every member of the Service who has been granted study leave shall be required to execute a bond as given in annexure A, before the study leave granted to him commences. The Government shall send to the Audit Officer, and in respect of the Ministry or Department where audit has been separated from accounts to the Pay and Accounts Officer as well a certificate to the effect that the member of the Service has executed the requisite bond

(2) If a member of the Service resigns or retires from the Service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, study allowance cost of fees travelling and other expenses if any, drawn by him for the period of study leave together with interest thereon from the date of demand at the rate applicable to Government loans before his resignation is accepted or permission to retire is granted

Provided that the government may relax this provision where a member of the Service is on return to duty from study leave, forced to retire from the service on medical grounds

(3) The study leave availed of by such a member of the Service shall be converted into regular leave standing at his credit on the date on which the study leave commenced any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted treated as extraordinary leave. In addition to the amount to be refunded by the member of the Service under sub-regulation (2) he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave as above

APPENDIX XVIA

*STUDY LEAVE RULES, 1962

1 *Short title commencement and application* (1) These rules may be called the Study Leave Rules 1962

(2) They shall come into force at once.

(3) They shall apply to all Central Government servants appointed to the Central Civil Services and posts.

2 *Definitions* (1) In these rules unless the context otherwise requires —

(a) *Administrator* means an Administrator of a Union territory and includes the Governor of Assam acting as Agent to the President in respect of the North East Frontier and the Naga Hills Tuensang Area

(b) *Audit Officer* means such officer as may be appointed by the Comptroller and Auditor General of India

(c) *Department of the Central Government* means a Ministry or a Department of the Central Government as notified from time to time and includes the Planning Commission the Department of Parliamentary Affairs the President's Secretariat the Vice President's Secretariat the Cabinet Secretariat and the Prime Minister's Secretariat

(d) *Head of Mission* means Ambassador, Charge d'Affaires Minister Consul General High Commissioner and any other authority declared as such by the Central Government in the country in which the Government servant undergoes a course of study or training

(e) *Pay and Accounts Officer* means such officer as may be appointed by the Ministries or Departments of the Government of India in consultation with the Comptroller and Auditor General of India

(2) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Fundamental Rules

3 *Condition for grant of study leave* (1) Subject to the conditions specified in these rules study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo in or out of India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connections with the sphere of his duty

* [G.M.F. No. F 3(a) E. IV/55 dated the 11th August 1962]

of study leave or at any time within a period of three years after his return to duty he shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans

AND upon the above bounden making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue

Stamp duty payable on this bond shall be borne and paid by the Government
Signed and delivered by the above
bounden in the presence of
of

Accepted

for and on behalf of the President of India
the Governor of

ANNEXURE B

(See regulation 12)

PROCEDURAL INSTRUCTIONS FOR MAKING APPLICATION FOR STUDY LEAVE AND GRANT OF SUCH LEAVE

1 Except as otherwise provided in these regulations, all applications for study leave shall be submitted with the Audit Officer's or Pay and Accounts Officer's certificate as the case may be to Government through the prescribed channel and the course or courses of study contemplated and any examination which the member of the Service proposes to undergo shall be clearly specified therein. If the course of study is out of India Government shall forward to the Head of Mission if there is an Indian Mission in that country, a copy of the approved programme of study. In a case where it is not possible for the member of the Service to give full details in his original application or if, after leaving India he is to make any change in the programme which has been approved in India he shall submit the particulars as soon as possible to the Head of Mission or the Government, as the case may be. In such cases he shall not unless prepared to do so at his own risk, commence the course of study nor incur any expenses in connection therewith until he receives approval of the Government to the course.

- 2 (1) On an application for study leave out of India being sanctioned by Government it shall inform the Head of Mission, if there is an Indian Mission in that country of the particulars of the case.
- (2) The member of the Service shall also place himself in communication with the Head of Mission if there is an Indian Mission in that country and he will arrange any details and issue any letter of introduction that may be required.

3 On completion of a course of study a certificate in the form prescribed by Government together with the certificates of examinations passed or special courses of study undertaken indicating the dates of commencement and termination of the course with remarks, if any, of the authority in charge of the course of study shall be forwarded to the Head of Mission concerned. When the study leave has been taken in India or any other country where there is no Indian Mission, such certificates shall be forwarded to the Government which sanctioned the leave.

- (u) who does not hold a gazetted post under the Government; or
- (uu) who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

4. *Authorities competent to sanction study leave* (1) Study leave may be granted to a Government servant by the Departments of the Central Government, Administrators or the Comptroller and Auditor General of India under whom he is serving

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the conditions that:—

- (i) the sanctioning authority shall not appoint a substitute to carry on his work in his absence, and
- (ii) the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted

5. *Maximum amount of study leave that may be granted at a time and during the entire service* The maximum amount of study leave, which may be granted to a Government servant shall be,—

- (i) ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons, and
- (ii) twenty-four months (inclusive of study leave granted under any other rules) in all during his entire service.

6. *Combination of study leave with leave of other kinds.*

(1) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extraordinary leave involve a total absence of more than twenty eight months from the regular duties of the Government servant

(2) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, commence his study before the end of the other kind of leave but the period of such leave coinciding with the course of study shall not count as study leave.

(2) It may also be granted —

- (i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of public interest and is related to the sphere of duties of the Government servant, and
- (ii) for the purposes of studies connected with the frame work or background of public administration, subject to the conditions that—
 - (a) the particular study or study tour should be approved by the authority competent to sanction study leave, and
 - (b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave
- (iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a Civil servant and to equip him better to collaborate with those employed in other branches of the public service

Note—Applications for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance.

(3) Study leave shall not be granted unless —

- (i) it is certified by the authority competent to sanction leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest, and
- (ii) it is for prosecution of studies in subjects other than academic or literary subjects

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Economic Affairs Department of the Finance Ministry the Ministry of Education and the Ministry of Scientific Research and Cultural Affairs

(5) Study leave shall not ordinarily be granted to a Government servant —

- (a) who has rendered less than five years' service under the Government, or

Provided that in no case shall the cost of fees be paid to a Government servant, who is in receipt of scholarship or stipend from whatever source, or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part time employment.

Note—In cases where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India the Comptroller and Auditor General of India may in exceptional circumstances sanction the grant of the cost of fees paid for the study

17 (1) Every Government servant in permanent employ who has been granted study leave shall be required to execute a bond as given in annexure A (see page 258) to these rules before the study leave granted to him commences. If study leave is granted to a Government servant not in permanent employ, the bond shall be executed as given in Annexure B (see page 259)

(2) The authority competent to sanction study leave shall send to the Audit Officer, and in respect of the Ministry or Department where audit has been separated from accounts to the Pay and Accounts Officer, as well, a certificate to the effect that the Government servant has executed the requisite bond

18 *Resignation and retirement* (1) If a Government servant resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary study allowance cost of fees, travelling and other expenses, if any incurred by the Government of India only, drawn by him for the period of study leave, together with interest thereon at Government rates for the time being in force on Government loans from the date of demand before his resignation is accepted or permission to retire is granted

Provided that the President may relax this provision where a Government servant is, on return to duty from study leave forced to retire from the service on medical grounds

(2) The study leave availed of by such a Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted treated as extraordinary leave. In addition to the amount to be refunded by the Government servant under sub-rule (1) he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave

19 *Leave salary during study leave* (1) During study leave, a Government servant shall draw leave salary equal to half ave-

decide whether the diary and report show if the time of the Government servant was properly employed and shall determine accordingly for what periods study allowance may be granted

12 Grant of study Allowance to Government servants in receipt of scholarship or stipend A Government servant who is granted study leave may be permitted to receive and retain in addition to his leave salary any scholarship or stipend that may be awarded to him from a Government or non Government source. Such a Government servant shall ordinarily not be granted any study allowance but in cases where the net amount of the scholarship or stipend (arrived at by deducting the cost of fees paid by the Government servant if any from the value of the scholarship or stipend) is less than the study allowance that would be admissible but for the scholarship or stipend the difference between the value of the net scholarship or stipend and the study allowance may be granted by the leave sanctioning authority

13 Grant of study allowance to Government servant who accepts part time employment during study leave If a Government servant who is granted study leave is permitted to receive and retain in addition to his leave salary any remuneration in respect of a part time employment he shall ordinarily not be granted any study allowance but in case where the net amount of remuneration received in respect of the part time employment (arrived at by deducting from remuneration any cost of fee paid by the Government servant) is less than the study allowance that would be admissible but for the remuneration the difference between the net remuneration and the study allowance may be granted by the leave sanctioning authority

14 Allowance in addition to study allowance No allowance of any kind other than the study allowance or the travelling allowance where specially sanctioned under rule 15 shall be admissible to a Government servant in respect of the period of study leave granted to him

15 Grant of Travelling allowance A Government servant shall not ordinarily be paid travelling allowance but the President may in exceptional circumstances sanction the payment of such allowance

Note—In cases where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India the Comptroller and Auditor General of India may in exceptional circumstances sanction the grant of travelling allowance

16 Cost of fees for study A Government servant granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the President may sanction the grant of such fees

or the authority competent to sanction study leave, as the case may be; or

- (ii) in the absence of any such direction, he produces satisfactory evidence before the Head of Mission or the authority competent to sanction study leave, as the case may be, that he has continued his studies during the vacation

(3) No study allowance shall be drawn during vacation falling at the end of a course of study except for a maximum period of fourteen days

Note—The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty four months for which study allowance is admissible

(4) Study allowance shall not be granted for any period during which the Government interrupts his course of study to suit his own convenience

Provided that the authority competent to sanction study leave, in a case where the study leave is taken in India or a country where there is no Indian Mission, and the Head of Mission in other cases, may authorise the grant of study allowance, for any period not exceeding fourteen days at a time during which the Government servant is prevented by sickness from pursuing his course of study

(5) In the case of definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to sanction study leave, if the study leave availed of is in a country where there is no Indian Mission and by the Head of Mission in other cases, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance.

(6) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the Government servant is undergoing study in an educational institution, or at intervals not exceeding three months, if he is undergoing study at any other institution

(7) When the programme of study approved does not include, or does not consist entirely of such a course of study, the Government servant shall submit to the authority competent to sanction study leave direct or through the Head of Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India. The authority competent to sanction study leave shall

Note—The limit of twenty eight months of absence prescribed in sub rule (1) includes the period of vacation

7 Regulation of study leave extending beyond course of study When the course of study falls short of study leave sanctioned, the Government servant shall resume duty on the conclusion of the course of study, unless the previous assent of the authority competent to sanction leave to treat the period of short fall as ordinary leave has been obtained

8 Grant of study allowance A study allowance shall be granted for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study

9 Period for which study allowance may be granted The period for which study allowance may be granted shall not exceed twenty four months in all

10 Rates of study allowance (1) The rates of study allowance shall be as follows but may be revised from time to time

Name of country	Study allowance per diem
Australia	12s (Sterling)
Continent of Europe	£1 (Sterling)
India	Half of the full daily allowance to which the Government servant would have been entitled under rules regulating his travelling allowance if he were on tour to the place of study
New Zealand	12s (Sterling)
United Kingdom	16s
United States of America	30s

(2) The rates of study allowance to be granted to a Government servant who takes study leave in other countries shall be such as may specially be determined by the President in each case

(3) In case where a Government servant is on study leave at the same place as his place of duty, the leave salary plus the study allowance shall not together exceed the pay that he would have otherwise drawn had he been on duty

11 Conditions governing grant of study allowance (1) Study allowance may be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government servant that he would refund to Government any over payment consequent on his failure to produce the required certificate of attendance or otherwise

(2) A Government servant may be allowed to draw study allowance for the entire period of vacation during the course of study subject to the conditions that —

(i) he attends during vacation any special course of study or practical training under the direction of the Government

Provided that in no case shall the cost of fees be paid to a Government servant, who is in receipt of scholarship or stipend from whatever source, or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

Note—In cases where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India the Comptroller and Auditor General of India may, in exceptional circumstances, sanction the grant of the cost of fees paid for the study.

17. (1) Every Government servant in permanent employ who has been granted study leave shall be required to execute a bond as given in annexure A (see page 258) to these rules before the study leave granted to him commences. If study leave is granted to a Government servant not in permanent employ, the bond shall be executed as given in Annexure B (see page 259).

(2) The authority competent to sanction study leave shall send to the Audit Officer, and in respect of the Ministry or Department where audit has been separated from accounts, to the Pay and Accounts Officer, as well, a certificate to the effect that the Government servant has executed the requisite bond.

18. *Resignation and retirement* (1) If a Government servant resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government of India only, drawn by him for the period of study leave, together with interest thereon at Government rates for the time being in force on Government loans from the date of demand before his resignation is accepted or permission to retire is granted:

Provided that the President may relax this provision where a Government servant is, on return to duty from study leave forced to retire from the service on medical grounds.

(2) The study leave availed of by such a Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave. In addition to the amount to be refunded by the Government servant under sub rule (1) he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

19. *Leave salary during study leave* (1) During study leave, a Government servant shall draw leave salary equal to half ave-

decide whether the diary and report show if the time of the Government servant was properly employed and shall determine accordingly for what periods study allowance may be granted

12 Grant of study Allowance to Government servants in receipt of scholarship or stipend A Government servant who is granted study leave may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non Government source. Such a Government servant shall ordinarily not be granted any study allowance, but in cases where the net amount of the scholarship or stipend (arrived at by deducting the cost of fees paid by the Government servant, if any, from the value of the scholarship or stipend) is less than the study allowance that would be admissible but for the scholarship or stipend, the difference between the value of the net scholarship or stipend and the study allowance may be granted by the leave sanctioning authority

13 Grant of study allowance to Government servant who accepts part time employment during study leave If a Government servant, who is granted study leave, is permitted to receive and retain in addition to his leave salary, any remuneration in respect of a part time employment, he shall ordinarily not be granted any study allowance, but in case, where the net amount of remuneration received in respect of the part time employment (arrived at by deducting from remuneration any cost of fee paid by the Government servant) is less than the study allowance that would be admissible but for the remuneration, the difference between the net remuneration and the study allowance may be granted by the leave sanctioning authority

14 Allowance in addition to study allowance No allowance of any kind other than the study allowance or the travelling allowance, where specially sanctioned under rule 15 shall be admissible to a Government servant in respect of the period of study leave granted to him

15 Grant of Travelling allowance A Government servant shall not ordinarily be paid travelling allowance but the President may in exceptional circumstances sanction the payment of such allowance

Note—In cases where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India the Comptroller and Auditor General of India may in exceptional circumstances sanction the grant of travelling allowance

16 Cost of fees for study A Government servant granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the President may sanction the grant of such fees

(Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between atorney and client and all charges and expenses that shall or may have been incurred by the Government

Signed and dated this day of one thousand nine hundred and

Signature

Witnesses (1)

(2)

WHEREAS I am granted study leave by Government

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my resigning or retiring from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after my return to duty I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs Rupees () together with interest thereon from the date of demand at Government rate for the time being in force on Government loans

AND upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue

The Government of India have agreed to bear the stamp duty payable on this bond

Signed and delivered by

in the presence of

Witness (1)

Accepted

for and on behalf of the President of India

ANNEXURE B'

(See Rule 17)

BOND FOR TEMPORARY GOVERNMENT SERVANTS PROCEEDING ON STUDY LEAVE UNDER THE STUDY LEAVE RULES

KNOW ALL MEN BY THESE PRESENTS THAT WE residents of in the District of at present employed as in the Ministry/Office of (here-in after called the obligor) and Shri son of of and Shri (here in after called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, ex-cutors and administrators to pay to the President of India (here-in-after called the Government) on demand the sum of Rs (Rupees) together with interest thereon from the date of demand at Government rates for the time

rage pay as defined in Rule 9(2) of the Fundamental Rules, subject to the maxima and minima laid down in Rules 89 and 90 thereof, or the amount admissible during half pay leave under Rule 15 of the Revised Leave Rules, 1933, as the case may be

(2) The rate of exchange prescribed by the President for the conversion of leave on average pay shall apply to leave salary during study leave

20 *Commencement of a course of study during leave other than study leave* A Government servant may, subject to the approval of the proper authority being obtained as required under paragraph 1 of Annexure C (see page 261), undertake or commence a course of study during leave on average pay, and subject to Rules 8 to 15 and 18, draw study allowance in respect thereof

21 *Counting of study leave for promotion, pension, seniority, leave and increments* (1) Study leave shall count as service for promotion pension and seniority. It shall also count as service for increments as provided in rule 26 of the Fundamental Rules

(2) The period spent on study leave shall not count for leave

22 *Debiting of study leave to the leave account* Study leave shall be treated as extra leave on half average pay and shall not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible

23 *Procedure for making application for study leave and grant of such leave* The procedure for making application for study leave and grant of such leave shall be as laid down in the Procedural instructions given in Annexure C (see page 261)

24 *Saving* Study leave granted before the commencement of these rules shall be deemed to have been granted under these rules

ANNEXURE 'A'

(See Rule 17)

BOND FOR PERMANENT GOVERNMENT SERVANTS PROCEEDING ON STUDY LEAVE UNDER THE STUDY LEAVE RULES CONTAINED IN APPENDIX 9 TO THE POSTS AND TELEGRAPHS COMPILATION OF RULES AND SUPPLEMENTARY RULES VOLUME II

KNOW ALL MEN BY THESE PRESENTS THAT I
resident of _____ in the District of _____ at present employed
as _____ in the Ministry/Office of _____ do hereby bind myself and
my heirs executors and administrators to pay to the President of India (here in
after called the Government) on demand the sum of Rs _____

ANNEXURE 'C'

(See Rule 23)

PROCEDURAL INSTRUCTIONS FOR MAKING APPLICATION FOR STUDY LEAVE AND GRANT OF SUCH LEAVE

1 Except as otherwise provided in these rules, all applications for study leave shall be submitted with the Audit Officers or Pay and Accounts Officer's certificate, as the case may be to the authority competent to sanction the study leave through the prescribed channel and the course or courses of study contemplated and any examination which the Government servant proposes to undergo shall be clearly specified therein. If the course of study is out of India the authority competent to sanction the study leave shall forward to the Head of Mission, if there is an Indian Mission in that country a copy of the approved programme of study. In a case where it is not possible for the Government servant to give full details in his original application, or if, after leaving India, he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of Mission or the authority competent to sanction the study leave as the case may be. In such cases he shall not unless prepared to do so at his own risk commence the course of study nor incur any expenses in connection therewith until he receives approval of the authority competent to sanction the study leave to the course.

2 (a) Where the study leave is sanctioned by the authority other than an Administrator, that authority shall inform the Head of Mission of the particulars of the case.

(b) When such leave is sanctioned by an Administrator a report shall be made to the Government of India who will inform the Head of Mission. It will be necessary for the Government servant concerned to place himself in communication with the Head of Mission, who will arrange any details and issue any letters of introduction that may be required.

(c) In all cases in which study leave in any other country where there is no Indian Mission is sanctioned by an authority other than the Administrative Ministry, the particulars shall be reported to the Administrative Ministry concerned.

3 On completion of a course of study a certificate in the proper form (which may be obtained from the Head of Mission) together with certificates of examination passed or special courses of study undertaken indicating the dates of commencement and termination of the course with remarks, if any, of the authority in charge of the course of study shall be forwarded to the Head of Mission concerned. When the study leave has been taken in India or any other country where there is no Indian Mission such certificates shall be forwarded to the authority which sanctioned the leave.

*APPENDIX XXX

CHILDREN'S EDUCATIONAL ALLOWANCE TO CENTRAL GOVERNMENT EMPLOYEES

The President, after considering the recommendation of the Pay Commission regarding the introduction of a Scheme of Educational Assistance for Central Government employees, has been pleased to decide that 'Children's Educational Allowance' will be

* [GIMF No F 10(1) Estt (Spl) 60, dated the 30th January 1962]

being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government

Signed and dated this day of one thousand nine hundred and

Signature of the Obligor

Sureties (1)

(2)

Witness (1)

(2)

WHEREAS the obligor is granted study leave by the Government

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder is written

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden

NOW THE CONDITION OF THE ABOVE OBLIGATION IS THAT in the event of the obligor Shri resigning from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after his return to duty the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans

And upon the obligor Shri and or Shri and or Shri the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri

and Shri or any of them for amounts due here under

The Government of India have agreed to bear the stamp duty payable on this bond

Signed and delivered by the obligor
above named Shri in the
presence of

Signed and delivered by the surety
above-named Shri in the
presence of

Signed and delivered by the surety
above named Shri in the
presence of

Accepted

for and on behalf of the President of India

Primary classes Rs 10 p m per child

Secondary and Higher

Secondary classes Rs 15 p m per child

- (ii) The total allowance admissible to a Government servant at any one time shall not exceed Rs 50 p m

(C) Conditions for the grant of Educational Allowance

- (i) The allowance will be admissible only in respect of children between the age limits of 5 and 18 years

Note — {The allowance shall commence from the month following that in which the child attains the age of 5 and shall cease at the end of the academic year in which the child attains the age of 18 }

- (ii) The concession will be limited to education up to Higher Secondary classes
- (iii) The allowance will be admissible only when the child or children of a Government servant study in a school away from the station at which he/she is posted and/or is residing *Illustration* 'A' has headquarters at Delhi and is residing at Ghaziabad. The allowance will not be admissible if his children study in a school either in Delhi or in Ghaziabad
- (iv) The allowance will be admissible only if the child is enrolled in a school which is recognised by the Department of Education or Educational authorities of the jurisdiction in which the school is situated
- (v) The allowance will be admissible only in respect of Government servant's legitimate children including step-children and adopted children (where adoption is recognised under the personal law of the Government servant) who are wholly dependent on the Government servant
- (vi) The allowance will not be admissible to India based staff serving in Missions abroad who receive educational assistance under the Indian Foreign Service Rules
- (vii) Where a child is in receipt of any Government scholarship the allowance will be reduced by the amount of the Government scholarship. If he is in receipt of a scholarship higher than Rs 10 in the Primary stage and Rs 15 in the Secondary stage, the allowance will not be admissible in respect of such a child
- (viii) When a Government servant's pay is raised beyond Rs 349 on account of the grant of increment or promotion or he acquires gazetted status, the allowance will be

continued if other conditions remain unaltered until his pay exceeds the total of his pay plus educational allowance prior to such rise in pay. The amount of the allowance will however, be limited to the difference between the sum total of pay plus educational allowance prior to grant of increment or promotion or acquiring of gazetted status and the pay drawn after such promotion.

- (ix) In respect of a temporary Government servant the allowance will be admissible from the month following that in which he completes three years' service.

(D) Certificates required in support of the claim

- (i) Where the educational allowance is claimed a certificate should be furnished by the Government servant in the form annexed to these orders twice a year to the officers who draw their pay and allowances from the Treasury.
- (ii) A certificate should be furnished on the bills by the drawing and disbursing officers every month that the necessary certificates have been obtained.
- (iii) The correctness of the certificate should be got verified by the drawing officers periodically.

Government of India's order

A doubt has been raised as to whether the Children's Educational Allowance may be sanctioned pending verification of the correctness by the drawing officers.

The President is pleased to clarify that there will be no objection to the grant of Children's Educational Allowance pending verification of correctness of the certificates by the drawing officers concerned in case delay in the first verification is anticipated. The drawing officers should however verify the correctness of the certificates furnished by the Government servants claiming Educational Allowance by adopting a procedure which in their discretion they consider appropriate six months commencing from the month in which the first payment is made and once every year thereafter.

In case the verification at the commencement is not completed within six months, the drawing officer will have the discretion to stop payment if he feels such a step necessary.

G.O.M.T. No. 12(3) P. III (2) dated 12th July 1931

3. The expenditure on account of Children's Educational Allowance will be debitable to the same head of account to which

a Government servant's pay and allowances are debited and shall be booked under a detailed head "Children's Educational Allowance" to be opened for the purpose

4. These orders take effect from the 1st March, 1962

ANNEXURE

FORM

Certified that my children mentioned below, in respect of whom Children's Education Allowance is claimed, are studying in schools which are recognised by the Education Department/Educational authorities of the jurisdiction in which the schools are situated at a place other than my headquarters and/or residence—

Name of child	Date of birth	School in which studying and location of the school	The place where the Government servant is residing	Class in which studying	Amount of scholarship	Amount of allowance claimed
1	2	3	4	5	6	7
1						
2						
3						
4						
5						
6						
7						
8						
9						

Certified that the children are not in receipt of Government scholarship except to the extent indicated against the child concerned

Certified that my wife/husband is not in Government service, or that my wife/husband is in Government service and that no allowance would be claimed by her/him and also the pay drawn by her/him does not exceed Rs. 349 p m

(Signature of the Government servant)

Government of India's orders

(1) The President is pleased to clarify the points raised as under:—

Point raised

Clarification

- (1) Whether the Children's Educational Allowance will be admissible to a Central Government servant if the pay of the husband/
- The eligibility for Children's Educational Allowance should be determined only with regard to the pay drawn by a Central Government servant irrespective

continued if other conditions remain unaltered until his pay exceeds the total of his pay *plus* educational allowance prior to such rise in pay. The amount of the allowance will however be limited to the difference between the *sum total of pay plus educational allowance* prior to grant of increment or promotion or acquiring of gazetted status and the pay drawn after such promotion.

- (ix) In respect of a temporary Government servant the allowance will be admissible from the month following that in which he completes three years' service.
- (D) *Certificates required in support of the claim*
- (i) Where the educational allowance is claimed a certificate should be furnished by the Government servant in the form annexed to these orders twice a year to the officers who draw their pay and allowances from the Treasury.
 - (ii) A certificate should be furnished on the bills by the drawing and disbursing officers every month that the necessary certificates have been obtained.
 - (iii) The correctness of the certificate should be got verified by the drawing officers periodically.

Government of India's order

A doubt has been raised as to whether the Children's Educational Allowance may be sanctioned pending verification of the correctness by the drawing officers.

The President is pleased to clarify that there will be no objection to the grant of Children's Educational Allowance pending verification of correctness of the certificates by the drawing officers concerned in case delay in the first verification is anticipated. The drawing officers should however verify the correctness of the certificates furnished by the Government servants claiming Educational Allowance by adopting a procedure which in their discretion they consider appropriate six months commencing from the month in which the first payment is made and once every year thereafter.

In case the verification at the commencement is not completed within six months the drawing officer will have the discretion to stop payment if he feels such a step necessary.

[G.O. No. 12(3) E III/62 dated the 21st July 1962.]

3 The expenditure on account of Children's Educational Allowance will be debitable to the same head of account to which

Point raised

Clarification

- larship, the allowance may be paid in full for the months in which the scholarship is not admissible like e.g. during a period of vacation
- (8) Whether service rendered under different departments and offices of the Government of India can be taken into account for the purpose of reckoning three years' service for eligibility to the allowance
- (9) Whether in respect of re-employed pensioners (civil or military) in computing 3 years' limit, service rendered prior to retirement can also be counted
- (10) Whether the classification of classes into 'Primary', 'Secondary' and 'Higher Secondary' should be done in accordance with the practice followed in the State in which the children study or in accordance with the practice followed in the State in which the headquarters of the Government servant is situated
- (11) Whether Primary classes include Kindergarten and Infant classes for the purpose of granting Children's Educational Allowance
- (12) Whether the allowance can be allowed/discontinued from the middle of a month in case a Government servant gets transferred during the course of a month and consequently on his transfer he becomes/ceases to be eligible to the allowance
- (13) Whether the Children's Educational Allowance will be admissible in respect of children who are residing with their grandparents, relatives, friends at their native place (home-town) and are studying in recognised schools provided they satisfy conditions stipulated in this Appendix
- (14) Whether the allowance may be paid every month for even though the actual payment of fee will be
- ship is admissible
- All service rendered under the Central Government in any Department or office may be taken into account for the purpose of reckoning three years' service for eligibility to the Children's Educational Allowance
- In the case of re-employed pensioners service rendered prior to retirement cannot be counted
- The classification of classes into 'Primary', 'Secondary' and 'Higher Secondary' should be done according to the practice followed in the State in which the children study.
- Primary classes do not include kindergarten and infant classes for the purpose of granting Children's Educational Allowance
- The Allowance may be allowed/discontinued from the beginning of the month following that in which the Government servant gets transferred.
- There will be no objection to the grant of Children's Educational Allowance even if the child or children stay with their grandparents, relatives etc. at the home town of the Government servant if it is different from the headquarters and residence of the Government servant.
- The allowance may be paid for 12 months irrespective of the fact that the tuition fee is paid only for 8 or 9

- | Point raised | Clarification |
|---|--|
| wife serving under State Government/private employment exceeds Rs 349 p.m | Spouse in the State Government or private employment |
| (2) Whether the Children's Educational Allowance will be admissible in the case of a child who resides with the parents but daily goes for his studies at a place other than the place of residence or the duty station of the Government servant | The allowance will be admissible only if the children stay and study at a place away from the headquarters and residence of the Government servant. There is, however, no objection to the children staying with the other parent residing away from the Government servant. |
| (3) (i) There are schools in some States which do not charge any (school) fees upto certain classes
(ii) Some schools charge school fees but grant exemption from payment of fees to certain children e.g. children belonging to Scheduled Castes and Scheduled Tribes
(iii) Some children are in receipt of free ship which includes free lodging and boarding in addition to tuition fees being free
How the Children's Educational Allowance should be regulated in the above types of cases
Whether the allowance should stand reduced by the amount which the children may get as remission of their school fees by virtue of their merit or otherwise | The allowance will be admissible provided the child or children stay and study at a place away from the station at which the Government servant is posted and/or resides irrespective of whether any tuition fees is required to be paid or not but the allowance will not be admissible in cases where boarding, lodging and tuition fees are free.
(There should be no reduction in the allowance if the free ship extends only to exemption from payment of fees.) |
| (4) Whether the Children's Educational Allowance will be admissible to State Government servants on deputation with the Centre | Allowance will be admissible to State Government servants on deputation with the Centre. The period of service rendered in the State Government can be taken into account for computing the qualifying period of three years. |
| (5) Whether the allowance will be admissible during the period of vacation | The allowance is admissible during a period of vacation even if the children stay with the parents during vacation provided the child is on the roll. |
| (6) Whether in cases of discharge due to want of vacancy or as result of disciplinary measure the educational allowance will be admissible for the full academic year even though there is not likely to be any other payment to the Government servant discharged | The allowance may be allowed for the full academic year in cases of discharge due to want of vacancy, but not be allowed where a Government servant is dismissed or removed from service as a disciplinary measure. |
| (7) Whether in cases where a child is in receipt of Government scho- | The allowance may be allowed in full for the month in which no scholar- |

Government of India's order.

These rules are self-contained set of rules framed in supersession of all previous rules and orders on the subject which are inconsistent with these rules stand abrogated and substituted in their application to class IV servants. Any amendments or addition to similar other Articles in the CSR do not, therefore, apply to class IV servants automatically and have to be extended to them.

[G.I.F. No. 2873 EV/48 dated the 10th May, 1946]

Please refer to G. I. order No. (3) below Rule 9

SAVING OF OTHER RULES ETC

3. Nothing in these rules shall be deemed to derogate from any rules or orders in force not inconsistent with these rules

CLASSES OF PENSIONS AND GRATUITIES

4 Pensions and gratuities shall be of the following classes namely,—

- (i) Compensation pension and compensation gratuity, granted on discharge from Government service on account of reduction of establishment,
- (ii) Invalid pension and invalid gratuity, granted on retirement from Government service on account of permanent incapacity resulting from bodily or mental infirmity,
- (iii) Superannuation pension and superannuation gratuity granted on attaining the age prescribed in rule 9 and
- (iv) Retiring pension, granted on retirement from Government service after a qualifying service of 30* years

* [G.I.F.D. letter No. (44) R. II/42, dated the 29th September 1942]

GRANT OF GRATUITY

5 (a) Compensation gratuity, invalid gratuity or, superannuation gratuity, of an amount not exceeding one half month's pay for every completed year of qualifying service, may be granted if the qualifying service on discharge or retirement is less than 20 years: Provided that where a Government servant elects under Articles 398(b) of Civil Service Regulations to count the Central Services Class IV portion of his service towards gratuity and that portion of his service is not, less than 20 years gratuity not

Government of India's order.

These rules are self-contained set of rules framed in supersession of all previous rules and orders on the subject which are inconsistent with these rules stand abrogated and substituted in their application to class IV servants. Any amendments or addition to similar other Articles in the C.S.R. do not, therefore, apply to class IV servants automatically and have to be extended to them.

[G.I.M.F. No. 2873 EV/48, dated the 10th May, 1948.]

Please refer to G. I. order No. (3) below Rule 9

SAVING OF OTHER RULES ETC

3. Nothing in these rules shall be deemed to derogate from any rules or orders in force not inconsistent with these rules

CLASSES OF PENSIONS AND GRATUITIES

4 Pensions and gratuities shall be of the following classes namely,—

- (i) Compensation pension and compensation gratuity, granted on discharge from Government service on account of reduction of establishment,
- (ii) Invalid pension and invalid gratuity, granted on retirement from Government service on account of permanent incapacity resulting from bodily or mental infirmity;
- (iii) Superannuation pension and superannuation gratuity granted on attaining the age prescribed in rule 9 and
- (iv) Retiring pension, granted on retirement from Government service after a qualifying service of 30* years.

* [G.I.F.D. letter No. (44) R II/42 dated the 29th September, 1942.]

GRANT OF GRATUITY

5 (a) Compensation gratuity invalid gratuity or, superannuation gratuity, of an amount not exceeding one half month's pay for every completed year of qualifying service, may be granted if the qualifying service on discharge or retirement is less than 20 years: Provided that where a Government servant elects under Articles 398(b) of Civil Service Regulations to count the Central Services Class IV portion of his service towards gratuity and that portion of his service is not less than 20 years, gratuity not

exceeding 9½ month's pay may, notwithstanding the provisions of rule 6 be granted to that Government servant

[G.I.F.D. Not No F 6(46) R II/39 dated the 24th August 1939]

(b) For the purpose of this rule 'pay' means the monthly substantive pay which the Government servant concerned drew or would have drawn in the permanent post held by him substantively at the time of his discharge or retirement and a special pay granted in consideration of the unhealthiness of the locality in which the duty is performed, or of increased work or responsibility for the discharge of which there is no appointment separately sanctioned

Provided that the pay of a telegraph messenger paid on the task work system shall be deemed to be the average amount of subsistence allowance and task work earnings drawn monthly by him during the last twelve months before his discharge or retirement

Provided further that the pay of an employee in the Government Press remunerated by piece work rates shall be deemed to be the average earnings of the last 6 months before his discharge or retirement

[G.I.F.D. Not No F 18(1) Est V/46 dated the 16th October, 1946— with effect from the 1st January 1946]

Provided further that if the pay of the Government servant has been reduced during the last three years of his service otherwise than as at penalty his gratuity under this rule may at the discretion of the authority which has power to sanction it be calculated upon the average of his pay during the last three years of his service

Audit Instruction

(1) These rules supersede all previous rules and orders on the subject which are inconsistent with these rules. The proviso to rule 5(a) of these rules provides for the grant of gratuity only in a case where a Government servant elects under Art 398(b) CSR, to count his Class IV Service towards gratuity and that portion of his service is not less than 20 years. Since this provision is inconsistent with those contained in Art 471 CSR, the latter article should be held to have been superseded by the former rule

(2) These rules have been superseded only to the extent indicated in the New Pension Rules 1950, and therefore, the provisions contained in the proviso to rule 5(a) above are still applicable to the extent they are not inconsistent with the New Pension Rules of 1950. But the amount of gratuity will be calculated in accordance with the provisions of the New Pension Rules

In cases covered by the above proviso the amount of service gratuity will be calculated by restricting the benefit to 19 years' qualifying service as contemplated under the said proviso and service gratuity equal to $7\frac{1}{2}$ months' pay plus retirement gratuity at the rate admissible under the New Pension Rules will be allowed

(3) The death cum retirement gratuity, however, being entirely a new pensionary benefit admissible under the New Pension Rules, 1950, it is not subject to the restriction imposed on the amount of service gratuity under Rule 5(a) above

[Paragraph 5A of Section VII of the Manual of Audit Instructions]

GRANT OF PENSION

6 (a) Compensation pension, invalid pension or super annuation pension of the appropriate amount set out in the Schedule to these rules may be granted if the qualifying service on discharge or retirement is not less than 20 years

(b) Retiring pension, equal to 30/60th of average pay, may be granted if the qualifying service on retirement is not less than 30 years,

(c) For the purpose of this rule and the Schedule to these rules "average pay" means the average monthly pay which Government servant concerned drew or would have drawn in the permanent post or post held by him substantively during the last three years of service prior to discharge or retirement and a special pay granted in consideration of the unhealthiness of the locality in which the duty is performed, or of increased work or responsibility for the discharge of which there is no appointment separately sanctioned.

Provided that the average pay of a telegraph messenger paid on the task work system shall be deemed to be the average amount of subsistence allowance and task work earnings drawn monthly by him during the last 3 years of service before discharge or retirement

Provided further that the average pay of an employee in the Government Press remunerated by piece work rates shall be deemed to be the average earnings of the last 72 months of his service before discharge or retirement

[C.F.D. No. F 18(11) Lt. V/47 dated the 3rd September 1947]

Government of India's orders

(1) With reference to clause (c) of Rule 6 in the case of a telegraph messenger paid on the task work system who officiates in a higher post during the last 3 years before his discharge or retirement the average amount of subsistence allowance and task

work earnings drawn by him during the period of 36 months prior to his officiating in higher post should be taken into account for the purposes of calculation of pension

[GIMF No 4042/C-II/50, dated the 15th May, 1950]

(2) If a Government servant takes leave preparatory to retirement, the principle enunciated in Auditor General's order No 9 below Art 487 on page 226 should be followed in determining for the purposes of rule 6 above, the monthly substantive pay which he would have drawn

[C.F.D. No. 677 R II/38 dated the 12th January 1939]

QUALIFYING SERVICE LIMITED

7 For the purposes of these rules, qualifying service shall not begin until the Government servant concerned has attained the age of 16 years

Note—[The minimum age after which service counts for pension has been raised from 16 to 18 years in the case of class IV (Central Service) Government servants who enter service after the 17th April, 1950 or who having entered such service on or before that date, did not hold a lien or a suspended lien in a permanent pensionable post under the Government of India on that date

[Paragraph 6 of GIMF No F 3(1) E(94)/47 dated the 17th April 1950]

8 Deleted

8A Deleted from the 1st April, 1957

Instructions for calculating qualifying service

1 Calculate Gross service from the date of appointment to the date of retirement or ending service

2 From this Gross service deduct the boy service, all kinds of leave with or without allowances, suspension adjudged as special penalty and other non qualifying periods

This is the 'duty period'.

3 Divide this duty period by eleven This will give Privilege leave

4 Add Privilege leave to the duty period and divide by six This is the furlough admissible to the Government servant on average pay

5 Add to the duty period privilege leave and furlough This will give net qualifying service.

In the case of a Government servant subject to the revised leave Rules of 1933, the following leave will count as service qualifying for pension against 3 and 4 above

(a) All earned leave taken.

- (b) Leave on medical certificate taken up to the 31st January, 1949, to the extent of 3/80th of service rendered up to that date excluding the periods of extra ordinary leave
- (c) Half pay leave and commuted leave taken after the 31st January, 1947, to the extent of 1/22nd of service rendered from that date excluding the periods spent on extra ordinary leave

These instructions apply to Government servants who retired before or on 31 3 1957

Government of India's orders

(1) For those retiring from the 1st April, 1957, the periods of leave shall be counted as service qualifying for pension to the same extent as is permissible in the case of other classes of Government employees. In other words, with effect from that date in the case of class IV Government servants also the periods of leave will count towards qualifying service in accordance with the provisions of Articles 407 and 408 C S R

[G L M F No F 25(3) EVA/59, dated the 5th February, 1959]

(2) Refer to Note 3 on page 230 of Volume I

9 Age of retirement A Government servant shall retire when he has attained the age of 60 years.

Provided that a workman who is governed by these rules may be required to retire at any time after attaining the age of 55 years after being given a month's notice, or a month's pay in lieu thereof, on the ground of impaired health, or of being negligent or inefficient in the discharge of his duties. He also may retire at any time after attaining the age of 55 years, by giving one month's notice in writing. For this purpose, a 'workman' means a highly skilled, skilled or semi skilled and unskilled artisan employed on a monthly rate of pay in industrial and work charged establishment

SCHEDULE

(See Rule 6)

Year of completed qualifying service.	Scale of pensions.
20	20/60th of average pay
21	21/60th " "
22	22/60th " "
23	23/60th " "

work earnings drawn by him during the period of 36 months prior to his officiating in higher post should be taken into account for the purposes of calculation of pension

[GIMF No 4042/C II/50 dated the 18th May, 1950]

(2) If a Government servant takes leave preparatory to retirement, the principle enunciated in Auditor General's order No. 9 below Art 487 on page 226 should be followed in determining for the purposes of rule 6 above, the monthly substantive pay which he would have drawn

[GIFD No 677 R II/38 dated the 12th January, 1939]

QUALIFYING SERVICE LIMITED

7 For the purposes of these rules, qualifying service shall not begin until the Government servant concerned has attained the age of 16 years

Note—[The minimum age after which service counts for pension has been raised from 16 to 18 years in the case of class IV (Central Service) Government servants who enter service after the 17th April, 1950 or who having entered such service on or before that date did not hold a lien or a suspended lien on a permanent pensionable post under the Government of India on that date

[Paragraph 6 of GIMF No F 3(s) E(Spl)/47, dated the 17th April, 1950]

8 Deleted

8A Deleted from the 1st April, 1957

Instructions for calculating qualifying service

1 Calculate Gross service from the date of appointment to the date of retirement or ending service

2 From this Gross service deduct the boy service, all kinds of leave with or without allowances, suspension adjudged as special penalty and other non-qualifying periods.

This is the 'duty period'

3 Divide this duty period by eleven This will give Privilege leave

4 Add Privilege leave to the duty period and divide by six. This is the furlough admissible to the Government servant on average pay

5 Add to the duty period privilege leave and furlough This will give net qualifying service

In the case of a Government servant subject to the revised leave Rules of 1933, the following leave will count as service qualifying for pension against 3 and 4 above

(a) All earned leave taken

The Government of India have under consideration for some time past the question of removing the disparities referred to above and of bringing the pensionary benefits applicable to Class IV Government servants on a par with those applicable to other classes of Government servants. As a result the President has now been pleased to decide that the existing disparities in the matter of pension and gratuity between Class IV Government servants and the other classes of Government servants should be removed and that Class IV Government servants should be eligible for superannuation, invalid and compensation pension/gratuity on the same scale as applicable to officers belonging to a Central Service Class I, II or III, under the Liberalised Pension Rules. Pension and Gratuity in the case of Class IV Officers also will henceforth be calculated on the basis of 'emoluments' and 'average emoluments' instead of on the basis of 'pay' and 'average pay' as at present.

The special provisions applicable to Class IV employees in the matter of minimum age after which service qualifies for pension and the age of compulsory retirement, *vide* para 6 of the Liberalised Pension Rules and rule 9 of the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936, respectively, will continue to be applicable.

These orders will take effect from the 1st April, 1957, and will apply also to Class IV Government servants who were on leave preparatory to retirement on that date.

[G.I.M.F. No F 20(1) EV/57, dated the 27th June, 1957.]

APPENDIX XXXI

PREMATURE RETIREMENT RULES

Rules for Premature Retirement on proportionate pension made by the Secretary of State for India with the concurrence of his advisers under para (a) of sub-section (1) of Section 247 and sub-section (2) of Section 257 of the Government of India Act, 1935

1 (1) These rules may be called the Premature Retirement Rules.

(2) They shall come into force on 1st April 1937.

(3) Any previous rules made by the Secretary of State in Council for the regulation of premature retirement on proportionate pension are hereby cancelled.

2. The following officers may be permitted by the Government of India in the Ministry administratively concerned to retire under these rules —

Year of completed qualifying service	Scale of pensions.		
24	24/60th	"	"
25	25/60th	"	"
26	26/60th	"	"
27	27/60th	"	"
28	28/60th	"	"
29	29/60th	"	"
30 and above	30/60th	"	"

Government of India's order

(1) The age of compulsory retirement for all categories of Class IV servants (whether or not eligible for any retirement benefit) shall be treated uniformly to be 60 years.

These orders apply also to the persons serving in the Indian Audit and Accounts Department.

[G.I.M.F. No. F 21(2) EV/53 dated the 28th May, 1953]

(2) Extension of service to Class IV Government servants can be sanctioned by the President alone (which means the Administrative Ministry in consultation with the Ministry of Finance) in relaxation of rule 9 above.

[G.I.M.F. No. F 11(1) EV/58 dated the 6th February, 1958]

Disparities between superior services and Class IV servants.

(3) In the matter of pension and gratuity all Class IV employees are governed by the Liberalised Pension Rules, as amended from time to time. Under these Rules the following disparities exist at present between the pensionary benefits admissible to Class IV employees and to others:—

4 On receipt of an application the Governor shall forward it with his recommendation to the Governor General, and the Governor General shall forward all applications other than those which have been cancelled under rule 7 whether received direct or through the Governor of a Province, with his recommendations for the orders of the Secretary of State

5 An officer who has been permitted by the Secretary of State to retire under these rules or whose application has been forwarded by the Governor General or the Governor with a recommendation that his retirement be sanctioned, shall, unless the Governor General in the case of officers serving in connection with the affairs of the Federation, or the Governor, in the case of officers serving in connection with the affairs of a Province, sees reason to the contrary, be permitted to avail himself in anticipation of his retirement, of the full amount of leave which is due to him and which may be granted to him at one time (otherwise than on medical certificate) under the regulations for the time being in force and applicable to him

Provided that if the Governor General or the Governor, as the case may be, considers that leave in anticipation of retirement should not be granted, or that less than the full amount of leave available under regulations for the time being in force should be granted, the proposal to withhold or reduce the leave applied for shall be submitted with the reasons therefor for the orders of the Secretary of State

6 (1) The Governor General or the Governor, as the case may be, shall fix the date on which leave granted under rule 5 shall commence

Provided that an officer who has been permitted by the Secretary of State to retire under these rules shall not be detained in India beyond the date on which he desires to leave unless his detention cannot be avoided without prejudice to the public interest.

(2) If the Governor General or the Governor, as the case may be, considers that suitable arrangements cannot be made for the relief of any officer at the date on which he desires to proceed on leave preparatory to retirement under these rules, he may, when forwarding the application for the orders of the Secretary of State, recommend that the Secretary of State should postpone the grant of permission and in that case shall specify the period of such postponement

7 An officer who has submitted an application for permission to retire under these rules shall not be at liberty to cancel his application and, if on leave, to return to duty without the consent of the Governor General in the case of officers serving in connec

- (a) Any officer appointed by the Secretary of State or the Secretary of State in Council to a Superior Civil Service, as specified in the first schedule, or a civil post under Government of India and whose pay is charged on the revenues of India
- (b) Any officer holding a permanent Commission in His Majesty's land forces and any officer of the Royal Indian Navy, other than an officer of the Royal Indian Naval Reserve, the Royal Indian Naval Volunteer Reserve or a Commissioned Warrant Officer, who holds a post on the cadre of a Superior Civil Service or a post reserved for officers of His Majesty's forces
- (c) Any officer belonging to the Indian Political Service:—

Provided that,

- (i) no officer shall be eligible to retire under these rules who is certified to be physically unfit for further service in India,
- (ii) with effect from such date and subject to such conditions as the Secretary of State may prescribe, officers to whom these rules apply shall be deemed to have been permitted to retire under these rules and shall be entitled to the benefits provided thereunder,
- (iii) officers released by the Governor General (or Crown Representative) with entitlement to compensation or resettlement grant shall be deemed to have been permitted to retire under these rules and shall be entitled to the benefits provided thereunder.

3 (1) Applications for such permission shall be addressed by officers serving in connection with the affairs of the Federation to the Governor General and by officers serving in connection with the affairs of a Province to the Governor,

(2) An application under this rule may be submitted by an officer while he is on leave out of India, and in that case, unless the Governor General or the Governor, as the case may be, considers his return to duty necessary before his application can be considered, the rules shall apply to him in the same manner as if his application had been submitted while on duty.

Provided that an officer who has made an application under this rule while he is on leave out of India and whose application is sanctioned by the Secretary of State before his leave expires shall not be eligible for the gratuity described in Rule 12, except to the extent admissible under sub rule (6) of that rule

10A. The special leave for the purpose of taking up a Commonwealth Fund Service Fellowship should be treated as analogous to study leave and like study leave should not be taken into account in calculating service for proportionate pensions and for ICS annuity

11 A non pensionable officer of a Railway Service, Class I, who may be permitted to retire prematurely under these rules shall be entitled to the Railway contribution or bonus to his Provident Fund under the Provident Fund Rules of the Railway, and his gratuity under the Gratuity Rules calculated as if he had been invalided from service. If the officer has elected to subscribe to the Sterling Branch of the State Railway Provident Fund the payment of the amount due under this rule shall be made in sterling at the rate and in the place prescribed in the State Railway Provident Fund (Sterling Account) Rules otherwise in rupees in India

12 (1) In addition to the pension or gratuity referred to in rule 10 or the bonus and gratuity referred to in rule 11, any officer who has been permitted to retire under these rules (other than an officer who is entitled to the pension specified in the Second Schedule as the maximum pension admissible under these rules to the service to which he belongs and when more than one method of calculating a pension is prescribed, for the method of calculating the pension actually adopted) and who proceeds on retirement or on leave preparatory to retirement to some part of the British Empire intending to settle there permanently, shall, subject to the provisions of rule 3 (2), be entitled to receive a gratuity equal to the cost, allowing for any special rebates admissible to railway officers of first class fares and passages from the last place of his employment in India to his destination for himself and for his wife and children if they were in India at the time of his proceeding on retirement or leave preparatory to retirement

Provided that except with the special sanction of the Secretary of State no gratuity shall be payable under this rule to an officer who is permitted to retire or to proceed on leave preparatory to retirement while employed elsewhere than in India and the amount of the gratuity (if any), payable to such an officer shall be such as the Secretary of State shall direct.

Provided further that where there is no railway or steamer station at the last place of employment of an officer permitted to retire under these rules the Governor General, in the case of officers serving in connection with the affairs of the Federation, and the Governor in the case of officers serving in connection with the affairs of a Province, may include in the gratuity of such officer an amount equivalent to the mileage allowance for his journey to

tion with the affairs of the Federation or of the Governor in the case of officers serving in connection with the affairs of a Province

8 (1) An officer who has submitted an application for permission to retire under these rules may be permitted to take up other employment during the currency of his leave preparatory to retirement

(2) Such permission may be granted—

(a) if the proposed employment lies in India, by the Governor General in the case of officers serving in connection with the affairs of the Federation or by the Governor in the case of officers serving in connection with the affairs of a Province,

(b) if the proposed employment lies elsewhere than in India, by the Secretary of State :

Provided that an officer who has been granted permission to take up employment under this rule shall be precluded, save with the specific consent of the Secretary of State, from withdrawing his request for permission to retire and from returning to duty in India

(3) The Secretary of State, the Governor General or the Governor, as the case may be, shall have the right to withhold permission to take up employment under this rule in cases where the employment appears to him to be such as could not with propriety be held by a person who is still in service of the Crown in India, or alternatively, to grant the desired permission in any such case subject to such conditions or restrictions as he may think necessary

9 The right of any officer to receive or retain a pension under the provisions of these rules is subject to the right of the Secretary of State to reduce or withhold any pension if the past service of the applicant is not approved, or if the pensioner after retirement is convicted of a serious crime or is guilty of grave misconduct

10 Subject to the provisions of Rule 9, a pensionable officer who has been permitted by the Secretary of State to retire under these rules shall be entitled, if he has completed less than five years' total service, to a gratuity equal to one month's pay (at the rate drawn by the applicant while last on duty before his retirement) multiplied by the number of completed months of total service at the officer's credit and divided by 12, and converted at the rate of 1s 9d per rupee, and if he has completed five years' total service, to a pension of the amount shown in the Second Schedule

dule IV to the Superior Civil Service Rules in respect of the journey referred to in sub rule (1) above

(9) The gratuity paid to an officer under this rule shall, in the event of his being permitted to return to duty in India be refunded. Such refunds may be made by deductions of 36 equal monthly instalments from the officer's pay-bill, commencing with the first pay-bill drawn after return

(10) For the purpose of this rule the term "children" means legitimate children or step children of an officer, whatever their age, who are wholly dependent on him

Note—[The passage gratuity admissible under sub-rule (1) of this rule shall be, at the rates which are inclusive of diet.]

13. (1) A member of the Indian Civil Service who retires under these rules may adopt at his option any one of the three following methods of retaining for his wife and children benefits, admissible under the Indian Civil Service Family Pension Regulations, namely:—

(a) He may cease to make any contributions and payments under the regulations, and shall then retain only the right to a proportion of the contingent benefits under the regulations for his wife and children existing on the date of retirement, and for any children subsequently born to that wife. This proportion shall be equal to the number of his completed years' total service divided by 25, and the calculation shall be based upon the pension admissible to the widow of an officer of the class to which he belonged at the time of his retirement.

(b) He may continue up to his 51st birthday to make contributions under the regulations at the rates payable by him at the date of retirement, and shall then retain the right to the full contingent benefits admissible under the regulations according to his class on the date of his retirement for his wife existing at the date of retirement, and for any children by her, whether born before or after retirement. Under this alternative subscriptions will be payable under the ordinary regulations for each child, whether born before or after retirement. In the event of the death of the wife, subscriptions at the bachelor rate appropriate to the subscriber's class on retirement will be payable until the age of 51:

Provided that in the case of a subscriber appointed to the Service before 1st April, 1910, all such contributions shall cease with effect from the date on which he would have completed 25 years' service or from the 1st January, 1930, whichever is the later

the nearest station which would have been admissible to him under the travelling allowance rules applicable to him

Provided further that officers belonging to Railway services, class I, shall be entitled to 1st class passes in place of the cost of 1st class fares for railway journeys in India

(2) For purposes of payment of this gratuity to officers proceeding to or from the United Kingdom, 1st class fares and passages shall be 1st class steamer or railway fares to Bombay plus cost allowing for any special rebates admissible to railway officers of first class passage at B rates by the P and O Steam Navigation Company to London (all sea route), and, in addition railway fares from London to destination. These rates are payable irrespective of the line or class by which an officer or his family travels

(3) Payment of the gratuity admissible under this rule (excluding that portion representing railway fares from London, which shall be paid by the High Commissioner) shall be made by the Governor General or the Governor, as the case may be before the officer leaves India

(4) The Governor General or the Governor, as the case may be may sanction the payment of a gratuity calculated as in sub-rules (1) and (2) of this rule but excluding the fares and passages of the officer himself, to the families of officers who are obliged by climatic or analogous reasons to leave later than the officer himself or in advance of the officer but subsequent to the submission of his application to retire

(5) An officer who applies in India for permission to retire and who is permitted to leave India in anticipation of the sanction of the Secretary of State is eligible for the gratuity. In such cases if the officer proceeds to the United Kingdom, the Governor General or the Governor, as the case may be shall authorise the High Commissioner to make payment.

(6) Officers who apply to retire while on leave in England and whose families are in India at the time when their retirement was sanctioned by the Secretary of State shall receive a portion of the gratuity equal to the cost, allowing for any special rebates admissible to railway officers of first class railway fares and passages for their families when the latter leave India

(7) In no case shall a gratuity admissible under this rule or any portion thereof be payable until the Secretary of State has sanctioned the officer's retirement under these rules.

(8) The gratuity admissible under this rule shall be reduced by the value of any benefit received under the provisions of Sche-

- (c) He may continue up to his 55th birthday to make payments under the Regulations at the full rates applicable to the class which he would have attained had he remained in the service until that date, and thereafter at half rates according to the class in which he is then subscribing. Any donation becoming due after the age of 55 will be payable in full as in the case of ordinary retirements. His wife and children will in this case be eligible for the full benefits appropriate to the class in which he is subscribing at the date of death.

Provided that in the event of the officer failing to notify within *three months of the date of his retirement the option selected by him* shall be deemed to have selected the first of the above options.

(2) The Secretary of State shall make good to the Indian Military Service Family Pension Scheme or the Indian Military Widows' and Orphans' Fund, as the case may be, any loss which may be estimated to be thrown upon them by the operation of this rule.

(3) The family of a military officer of the Royal Indian Navy or the Indian Medical Service who retires under these Rules shall remain eligible for pensions under the Royal Warrant or under the corresponding rules laid down in Pension Regulations for the Army in India or in Regulations for the Royal Indian Navy, which ever may be applicable if the officer had on retirement completed 20 years' service. If such an officer is permitted to retire under these Rules after completing less than 20 years' service, the Secretary of State shall, on the death of the officer, grant, subject to the conditions laid down in the Royal Warrant or in the rules referred to above (other than the condition requiring an officer to have completed 20 years' service in order to entitle his widow or children to pensions)—

to his widow, a yearly pension of £70 divided by 20 and multiplied by a figure corresponding to the number of years' total service completed by the officer at the date of his retirement, and

to each child, a pension of £16 divided by 20 and multiplied by a figure as aforesaid, or, in the case of a motherless child, a pension of £25 divided by 20 and multiplied by a figure as aforesaid.

15 (1) An officer who is a subscriber, under Section II of the Superior Services (India) Family Pension Fund Rules and who retires with a pension under the Premature Retirement Rules may adopt at his option one of the following methods of retaining for

- (c) He may continue up to his 51st birthday to make contributions and payments under the regulations at the rates which would have been payable by him from time to time had he remained in the service. In that case he shall retain the full benefits admissible under the regulations as if he had remained in the service until death or retirement with an ordinary pension;

Provided that in the event of the officer failing to notify within three months of the date of his retirement the method selected by him, he shall be deemed to have elected the first of the above methods

(2) The Secretary of State shall make good to the Indian Civil Service Family Pension Fund under a suitable procedure any loss which may be estimated to be thrown upon it by the operation of this rule.

14 (1) An officer of the Indian Army or the Royal Indian Navy or of the Indian Medical Service who retires under these rules may select any one of the three following options with regard to his subscriptions under the Indian Military Service Family Pension Regulations or to the Indian Military Widows' and Orphans' Fund :—

- (a) He may continue to subscribe at the half rate of subscription under Article 28 of the Indian Military Service Family Pension Regulations or rule 32 of the Indian Military Widows' and Orphans' Fund, or if a married subscriber under the Indian Military Service Family Pension Regulations, he may withdraw, receiving the refund authorised by Article 28. If he continues to subscribe he will retain the same rights to contingent benefits from the funds as if he had retired under the ordinary rules.
- (b) He may cease to make any payments under the regulations except in so far as is provided by the last sentence of this clause, and shall then retain the rights to contingent benefits at the rates admissible under the regulations to the widow and children of an officer of the class to which he belonged at the date of retirement, for his wife and children existing at that date, and for any children subsequently borne to that wife. Under this alternative, any donation payable under the ordinary rules for any child born after retirement must, however, be paid by the officer if he desires to retain any right to continuance of benefits for any such child.

FIRST SCHEDULE (See Rule 2)

Officers to whom these Rules apply

Superior Civil Services referred to in Rule 2

- (a) The Indian Civil Service
- (b) The Indian Police
- (c) The Indian Forest Service
- (d) The Indian Forest Engineering Service
- (e) The Indian Educational Service
- (f) The Indian Agricultural Service
- (g) The Indian Service of Engineers
- (h) The Indian Veterinary Service
- (i) The Indian Medical Service (Civil)
- (j) The Central Services Class I as listed in the Classification, Control and Appeal Rules
- (k) The Railway Service Class I

Letter No. 27/10/46 Est. dated the 31st July, 1947 from the Ministry of Home Affairs New Delhi to all Provincial Governments

Note —[With reference to proviso (ii) to rule 2 of the Premature retirement Rules the Secretary of State has decided that the provisions of the premature retirement rules shall apply automatically with effect from the 15th August, 1947 to all officers covered by those Rules with the exception of those who agree to remain in the employment of the new Governments in India without retiring and who will continue to earn pension in virtue of Section 10 of the Indian Independence Act. Letter No. 27/10/46 Est. dated the 8th August 1947 from the Ministry of Home Affairs New Delhi to all Provincial Governments.]

SECOND SCHEDULE (See Rule 10)

I The letter 'N' in the following paragraphs shall be deemed to represent — (a) in the case of a military officer (except one serving in the Indian Political Service who elects pension under paragraph 3 (e) (1) (a) (ii) below) and of an officer of the Royal Indian Navy completed years of service qualifying for ordinary retiring pension under the pension Regulations for the Army in India, and Pension Regulations for the Royal Indian Navy, as the case may be

his wife and children benefits admissible under the Fund Rules, namely —

- (a) He may cease to make any contributions under the rules, and shall then retain only the right to a proportion of the contingent benefits under the rules for his wife and children existing on the date of retirement, and for any children subsequently born to that wife. This proportion shall be equal to the number of completed years during which he has subscribed divided by 25
- (b) He may continue until the expiration of 25 years from the date on which he became a subscriber to make contributions under the rules at the rates which would have been payable by him from time to time had he remained in the service. In that case he shall retain the full benefits admissible under the rules as if he had remained in the service:

Provided that in the event of the officer failing to notify within three months of the date of his retirement the method selected by him he shall be deemed to have elected the first of the above methods

(2) The Secretary of State shall make good to the Superior Services (India) Family Pension Fund under a suitable procedure any loss which may be estimated to be thrown upon it by the operation of this rule

16. In the discharge of their functions under these rules, in so far as officers serving in connection with the affairs of the Federation are concerned, the Governor General shall act in his individual judgment, and, in so far as officers serving in connection with the affairs of a Province are concerned, the Governor General shall act in his discretion and the Governor in his individual judgment

17 Reference in these rules to the Governor General shall, except as respects matters with respect to which the Governor General is required to act in his discretion, be construed uptill the date on which Federation is established as reference to the Governor General in Council, and any reference to the Federation, except where the reference is to the establishment of the Federation, shall be construed as a reference to the Governor General in Council

Provided that service rendered by an officer which would not be reckoned as qualifying service in calculating his ordinary retiring pension or annuity shall not be counted as service for the purpose of these rules.

2. Pensions expressed in rupees in this schedule shall be converted at the minimum rate of 1s 9d per rupee subject to the conditions stated in Article 936 of the Civil Service Regulations, or in any rule which may be substituted therefor

The conversion into rupees of pensions expressed in this schedule shall be governed by the provisions of Article 933-A or 983, as the case may be, of the Civil Services Regulations or of any rule that may be substituted for either of the said Articles,

3 The pension admissible to an officer who is permitted to retire under these rules shall be as follows.—

(a) To an officer of the Indian Civil Service who has become a member of the Indian Administrative service,

$$Rs \ N \times 13,333 \ 33 \text{ subject to } Rs \ 13,333 \ 33$$

$$21$$

(b) to an officer of the Indian Army or the Royal Engineers in civil employ—

(i) if not of higher rank than Lieut-Colonel $N \times \frac{£783 \cdot 10s}{£29}$
 subject to a Maximum of £783 10s a year,

(2) if of the rank of Colonel, the pension admissible under ordinary regulations

(c) To an officer of the Royal Indian Navy in Civil employ

(i) if not of higher rank than Commander, $N \times \frac{£704}{£30}$ a year,

(ii) if of the rank of Captain or above, the pension admissible under ordinary regulations

(d) To an officer of the Indian Medical Service (Civil),

(i) if of less than 17 years' service qualifying for ordinary pension $N \times \frac{£400}{£17}$,

(ii) if of not less than 17 years' service qualifying for ordinary pension, the pension admissible under ordinary regulations.

(b) In the case of a member of the Indian Ecclesiastical Establishment, completed years of residence in India as defined in Article 573 of the Civil Service Regulations

(c) In the case of all other officers, completed years of active service in one or more of the services specified in the first Schedule, or in a service which has been merged in one of those services or in a Military or Naval appointment, at the credit of an officer at the time of his retirement, except that for a Military Officer serving in the Indian Political Service who elects pension under paragraph (3)(e)(1)(a)(ii) below, service rendered before joining the Indian Political Service shall not count as active service. For the purpose of this sub-rule active service shall include:—

- (i) All service which counts as active service under Articles 8 and 9 of the Civil Service Regulations War leave being treated for the purpose of these rules as privilege leave,
- (ii) periods spent on foreign service,
- (iii) Military Service rendered during the Great War, 1914-18 prior to appointment to one of the services or posts specified subject to the conditions which govern the counting of such military service for ordinary pension,
- (iv) sick leave taken by civil officers during military service in the Great War 1914-18, subject to the conditions laid down in the Government of India, Finance Department, Resolution No F/21-II C S R 24, dated 28th August, 1925 and during the World War, 1939-45 provided the disability is certified as having been due to military service
- (v) service counting for ordinary pension under Article 374 (1) of the Civil Service Regulations,
- (vi) Special disability leave,
- (vii) in the case of an officer who, before, entering upon service in India, was employed under His Majesty's Government elsewhere than in India, and whose service elsewhere than in India has already been accepted as qualifying for a combined pension under the rules made by the Treasury under section 7 (I) of the Superannuation Act, 1909, the service elsewhere which counts for such combined pension

Plus in the case of all officers referred to in (a), (b) and (c) one twelfth of a year for each completed month of such service in excess of the completed years:

Civil Service Regulations, subject to an aggregate maximum of Rs. 8,500 a year,

- (h) To members of the Women's Branch of the Indian Educational Service Rs. $N \times 5,000$ subject to a maximum of

22

Rs 5,000 a year.

Provided that in the case of persons,

- (a) who are members of the Indian Administrative Service and who before becoming members thereof were members of the ICS or
- (b) who are members of the IPS, and who before becoming members thereof were members of the Indian Police, the amount of pension under these rules shall be payable in India and in rupees, but in the case of such of the aforesaid persons as are non Indian officers, the payment of the amount of pension may be made in rupees in India, or outside India through High Commissioner for India in the UK, in sterling, at the rate of exchange prescribed in paragraph 2 above ..

4 (i) Any officer to whom the provisions of Article 404-A of the Civil Service Regulations apply and who is permitted to retire under these rules shall be permitted to deduct from the divisors 26 and 22 in the fractions specified in clauses (g) and (h) of paragraph 3 of this schedule a number equal to the number of years which he would be entitled to add to his qualifying service if he were retiring on superannuation pension, but in that event he shall not be allowed to count military service, rendered during the Great War, 1914-18 as active service. If more favourable to him his pension may be calculated in accordance with the provisions of sub-clause (g) of Clause 3 Military Service being included as active service

(ii) An officer to whom the provisions of Note 2 to Article 599 of the Civil Service Regulations apply shall be permitted to deduct from the divisor 20 in the fraction specified in clause (f) of paragraph 3 a number equal to the number of years which he would be entitled to add to his qualifying service, if he were retiring on superannuation pension, but in that event he will not be allowed to count Military Service rendered during the Great War 1914-18 as active service

EXPLANATORY NOTE

(This note is not part of the Rule, but is intended to indicate its general purpose)

(e) to an officer of the Indian Political Service other than a member of the Indian Civil Service,

(1) If he has not attained the rank of First Class Resident

(a) if an officer of the Indian Army an option between

(i) $\frac{\text{EN} \times \text{£}916\ 16\ 8}{29}$ subject to a maximum of $\text{£}783\ 10\text{s}$ or

(ii) $\text{EN} \times \text{£}950$ subject to a maximum of $\text{£}850$
25

(b) if an officer of the Indian Police, an option between,

(i) $\text{Rs } \frac{\text{N} \times 9\ 000}{26}$ subject to a maximum of $\text{Rs } 6\ 000$ a year,
or

(ii) $\text{Rs } \frac{\text{N} \times 6\ 000}{26}$ subject to a maximum of $\text{Rs } 6\ 000$ a year
26

plus the special additional pension actually earned under Articles 475 A of the Civil Service Regulations subject to a total maximum of $\text{Rs } 8\ 500$

(2) if he has attained the rank of First Class Resident, $\text{£}850$ plus $\text{£}75$ for at least one year's effective service as such as defined under Article 475 B (iv) of the Civil Service Regulations or $\text{£}150$ for two or more years effective service as such

(f) To a member of the India Ecclesiastical Establishment
 $\frac{\text{EN} \times 480}{20}$ subject to a maximum of $\text{£}480$ a year
20

(g) To all other officers (other than members of the Women's Branch of the Indian Educational Service) to whom these rules apply, $\text{Rs } \frac{\text{N} \times 7,500}{26}$ subject to a maximum of
26
 $\text{Rs } 6\ 000$ a year

Provided that any officer referred to in this clause who has earned an additional pension under Article 475 A of the Civil Service Regulations whether he has or has not completed the 28 years qualifying service required by that Article may at his option be granted in lieu of the pension specified in the said clause a pension calculated as follows namely $\text{Rs } \frac{\text{N} \times 6\ 000}{26}$

subject to a maximum of $\text{Rs } 6\ 000$ a year, plus any additional pension earned under Article 475 A of the

includes all 'duty' (Vide Art 8, C.S.R.), 'disability leave' is included in 'Active Service'

[Ar. Genl's letter No. 1014/A 338 23 dated 2nd October 1923]

(7) The Auditor General with the concurrence of the Government of India has decided that as study leave is not active service within the meaning of Art 8 C.S.R., it cannot count for proportionate pension under the Premature Retirement Rules

[Ar. Genl's letter No. 59 A/184 34 dated the 15th March 1935]

(8) The passage gratuity is payable only in those cases in which officers actually leave India

[G.O.D. No. F/80-C.S.R. dated the 15th March 1924]

(9) The Government of India with the concurrence of the Auditor General have decided that an officer and his family are entitled to first class railway and passage fares whatever class they actually travel in

[G.O.D. No. F 398-II Estt. dated the 31st July 1922]

(10) An officer who submits while on leave out of India, an application for permission to retire on proportionate pension and is permitted to retire without returning to duty is not eligible for the passage gratuity

But if the family of the officer is in India at the time when his retirement was sanctioned by the Secretary of State for India, he shall receive a portion of the gratuity equal to the cost of first class railway fares and passages for his family when the latter leaves India.

[G.O.D. Estt. No. 1237-C.S.R. dated the 21st July, 1923]

(11) In those cases where an officer is accompanied by his family account must be taken of the family rebate allowed by the Shipping Co. when three or more full passages are taken

(12) The Auditor General has decided that as the "actual period" by which an officer's age may at the time of appointment exceed 25 years is added to his service under Art. 403 C.S.R., the same principle may be followed in making deductions from the divisor with the exception that instead of the actual period (which would include odd days) only completed months should be deducted

(13) It is not the intention that the above concession should be restricted to officers who had completed not less than 10 years' qualifying service.

S. of S. telegram No. 22206 dated the 11th August 1928]

(14) If an officer's pension is calculated according to the formula $N \times 26 \div 700$ (N representing the number of years of quali-

The age concession which is applicable to members of the Secretary of State's services appointed over the age of 25 years is applicable also to members of the Indian Ecclesiastical Establishment appointed over the age of 30 years and the clause (ii) of para 4 above makes provisions for this.

[Government of India Ministry of Home Affairs Notification No 27/10-46 Est., dated 13th December, 1947, copy received under the Government of India Ministry of Finance endorsement No F 15(6) V/47, dated 20 January, 1948]

Government of India & Ar. General's orders.

1 The scale of pensions and the method of calculations laid down in the Premature Retirement Rules, applies both to officers who have elected the new pension rules and to officers who remain subject to the old rules

[Ar Genl's letter No 296/297 A—78 21, dated the 6th May, 1922, Paragraph 518 of the Punjab Manual]

(2) As long as an ICS officer is serving directly under the Government of India he cannot have the benefit of premature retirement

[Ar Genl's letter No 326 A K W—78 21, dated the 27th February, 1923, Paragraph 520 of the Punjab Manual]

(3) The Government of India have decided that in the case of officers who have been permitted to retire on a proportionate pension the same procedure should be adopted in making application for and in sanctioning the pension as in the case of ordinary pension

[G.I.P.D No 1215/1216—CSR dated the 18th July, 1923]

(4). The Secretary of State has decided that officers who are permitted to retire on proportionate pension after enjoying a period of leave not due on medical certificate should be permitted to retain the leave salary paid to them while on leave not due and should be retired with effect from the date on which their application for permission to retire is sanctioned

[G.I.H.D No F 151 33 Ests., dated the 20th April, 1933]

(5) The Secretary of State has decided in the case of ex-service candidates appointed to Indian Services that the portion of their War Service which they have been permitted to count for retiring and invalid pensions will not count for the calculation of the pension or gratuity to which they are entitled under these rules

[G.I.H.D No 827 28 Est., dated the 28th May, 1923]

(6) Since disability leave (which was formerly known as wound leave) counts as duty under F R. 83 (6) and the "Active Service"

admissible, and any remuneration of the nature of pay received in respect of foreign service

(c) *Family means* —

- (i) in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow, or widows, and children of a deceased son of the subscriber, provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently intimates in writing to the Account Officer that she shall continue to be so regarded;
- (ii) in the case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber, provided that if a subscriber by notice in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels such notice in writing.

Note — (Child means a legitimate child and includes an adopted child when adoption is recognised by the personal law governing the subscriber)

(d) *Fund means* the General Provident Fund

(e) *Leave means* any variety of leave recognised by the Fundamental Rules or the Civil Service Regulations or the Revised Leave Rules 1933

(f) *Year means* a financial year.

(2) Any other expression used in these rules which is defined either in the Provident Funds Act, 1925 (19 of 1925), or in the Fundamental Rules is used in the sense therein defined

(3) Nothing in these rules shall be deemed to have the effect of terminating the existence of the General Provident Fund as heretofore existing or of constituting any new Fund.

Government of India's order In accordance with rule 2 (1) (b) of the General Provident (Central Services) Rules 1960 and with note below rule 9 (21) of the Fundamental Rules, the pay of a piece worker in the Government of India Presses is deemed to be

lying active service) subject to a maximum of Rs 6,000 he would not be eligible for the passage gratuity if he was entitled to a pension of Rs 6 000. If the pension is calculated according to the formula $N/26 \times 6\,000$, subject to a maximum of Rs 6 000 plus additional pension, subject to a total maximum of Rs 8,500, the gratuity would not be admissible if the officer was entitled to a pension of Rs 8 500. In other words, the gratuity would be payable if in the first case the officer's pension was less than Rs 6,000 and in the second case less than Rs 8 500.

[G.I.H.D. No. F 167 23 Estt., dated the 4th May, 1923.]

APPENDIX XXXII

* THE GENERAL PROVIDENT FUND (CENTRAL SERVICES) RULES, 1960

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following rules, namely —

Short title and definitions.

1 *Short title and commencement*—(a) These rules may be called the General Provident Fund (Central Services) Rules, 1960.

(b) They shall be deemed to have come into force on 1st April, 1960.

2 *Definitions*—(1) In these rules unless the context otherwise requires—

(a) *Account Officer* means such officer as may be appointed in this behalf by the Comptroller and Auditor General, or the Pay and Accounts Officer where a separate Pay and Accounts Office exists except that in relation to Class IV employees the head of his office or the Pay and Accounts Officer, as the case may be, shall be the Account Officer.

(b) Save as otherwise expressly provided *emoluments* means pay, leave salary or subsistence grant as defined in the Fundamental Rules, and includes dearness pay appropriate to pay, leave salary or subsistence grant, if

* S.O. 3000, dated the 1st December, 1960.

been entrusted with the work of the maintenance of the General Provident Fund accounts of class IV employees of the Central Government * * * * should furnish to the Audit Officer a list giving full particulars of the subscribers and the amount to be transferred to Deposits holding interest payable under the rules by the 15th of April each year to enable the Audit Officer concerned to effect the necessary adjustment in March Final Accounts

[GIMF No 52 (9) EV/60 dated the 29th May, 1961]

4 *Conditions of eligibility*—All temporary Government servants, other than re employed pensioners, after a continuous service of one year and all permanent Government servants shall subscribe to the Fund:

Provided that no such servant as has been required or permitted to subscribe to a contributory provident fund shall be eligible to join or continue as a subscriber to the Fund, while he retains his right to subscribe to such a fund

Note 1—Apprentices and Probationers shall be treated as temporary Government servants for the purpose of this rule

Note 2—A temporary Government servant who completes one year of continuous service during the middle of a month shall subscribe to the Fund from the subsequent month

[GIMF No F 8(2) EV(B)/61, dated the 14th June, 1961]

Government of India's Orders—(1) A question has been raised whether a temporary Government servant who completes one year's service in the middle of a month should commence subscribing to the General Provident Fund from that date or from the beginning of the following month. It has been decided that a temporary Government servant who completes one year's continuous service during the middle of the month shall commence subscribing to the Fund from the month beginning of the following that in which he completes one year's service,

[GIMF No F 8(3) EV(B)/61, dated the 17th March, 1961]

(2) Under rule 4 of the General Provident Fund (Central Services) Rules, 1960, all temporary Government servants (other than re employed pensioners) after a continuous service of a year and all permanent Government servants are compulsorily required to subscribe to the General Provident Fund (Central Services)

The admission of a Government servant to the General Provident Fund involves the following processes, namely:—

- (a) submission of application for admission in form No. G P F 3,

equivalent to two hundred times his hourly class rate for the purpose of provident fund.

2. It has now been decided in relaxation of the above provisions and in supersession of the orders contained in Finance Ministry's Office Memorandum No. F. 52 (4) EV/60, dated the 26th May 1960, that the pay of a piece worker in Government of India Presses should be reckoned on the basis of the average earnings for the past 12 months for the purpose of calculating rate of subscription to the General Provident Fund and as well as for the purpose of granting temporary advances from it, subject to the following conditions:—

- (i) That the monthly emoluments of piece workers shall be based on the ordinary rates of wages as defined in Sections 59 (2) & (3) and 80 of the Factories Act, 1958, which excludes the overtime earnings.
- (ii) That for the purpose of calculating the period of 12 months the average emoluments should be based on the period from the month of March to February next. But in the case of Temporary Government servants who become eligible under rule 4 of the General Provident Fund (Central Services) Rules, 1960 to subscribe to the Fund for the first time after completion of one year, the average emoluments should be worked out on the basis of average emoluments of past twelve months immediately preceding the month in which the subscriber becomes eligible to subscribe.
- (iii) These orders shall be operative with immediate effect and past cases will not be reopened.

3. These orders shall also apply to piece workers governed by the Contributory Provident Fund Rules (India).

[G.I.M.F. No. F. 8(11)-EV(B)/61, dated the 9th October, 1961.]

Constitution of the Fund

3. *Constitution of the Fund*—(1) The Fund shall be maintained in rupees.

(2) All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The General Provident Fund". Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to "Deposits" at the end of the year and treated under the ordinary rules relating to deposits.

Government of India's order.

It has been decided in consultation with the Comptroller and Auditor General that the Departmental Officers, who have

(3) Every nomination shall be in such one of the Forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein.

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family :

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto the subscriber shall send to the Account Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.

Government of India's order—In a case where no nomination exists in favour of the widow of a subscriber, the title of the widow to the claim against G. P. Fund deposit of her former husband is not affected by her subsequent marriage.

- (b) allotment of an account number, and
- (c) deduction of subscription from the pay bill

It has been brought to the notice of Government that the applications for joining the Fund are not usually received in Accounts Office from the Heads of Offices even after the commencement of the recovery of subscriptions from the subscribers

In the absence of the applications the Account Officers would not be in a position to allot account number to the subscribers in time with the result that credits remain unaccounted for in the account books for long periods

In order to obviate this difficulty, it is requested that in the case of each non gazetted Government servant the Head of Office may obtain the application in Form GPF 3 duly filled in and forward it to the Account Officer concerned after checking for allotment of account number well in advance of the date from which the Government servant is required to subscribe to the General Provident Fund.

These instructions apply *mutatis mutandis* to the applications of members of Class IV service in regard to which the Provident Fund accounts are kept by Heads of Offices themselves

[GIMF No F 8(24) EV(B)/62 dated the 30th December 1962]

Nominations

5 Nominations—(1) A subscriber shall at the time of joining the Fund, send to the Account Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of his death before that amount has become payable or having become payable has not been paid

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family

Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other fund has been transferred to his credit in the Fund be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule

(2) If a subscriber nominates more than one person under sub rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time

8 *Rates of subscription*—(1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely :—

- (a) It shall be expressed in whole rupees.
- (b) It may be any sum, so expressed, not less than 6 per cent of his emoluments and not more than his total emoluments.

Provided that in the case of a subscriber who has previously been subscribing to a Government Contributory Provident Fund at the higher rate of 8 1/3 per cent, it may be any sum, so expressed, not less than 8-1/3 per cent of his emoluments and not more than his total emoluments :

Provided further that in the case of Class IV employees the minimum rate of subscription shall be Rs 4/- a month in the case of those drawing a pay of less than Rs 75/- a month and Rs. 5/- a month in the case of others

- (c) When a Government servant elects to subscribe at the minimum rate of 6 per cent or 8-1/3 per cent, as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 pP counting as the next higher rupee.

(2) For the purpose of sub-rule (1) the emoluments of a subscriber shall be—

- (a) in the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date,

Provided that—

- (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty,
- (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India,
- (b) In the case of a subscriber who was not in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the fund,

(7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid take effect on the date on which it is received by the Account Officer

Subscriber's Account

6 *Subscriber's account*—An account shall be prepared in the name of each subscriber and shall show the amount of his subscriptions with interest thereon calculated as prescribed in sub rule (2) of rule 11 as well as advances and withdrawals from the Fund

Conditions and Rates of Subscriptions

7 *Conditions of subscriptions*—(1) A subscriber shall subscribe monthly to the Fund except during the period when he is under suspension

Provided that a subscriber may, at his option not subscribe during any period of leave other than leave on average pay or earned leave of less than one month or 30 days duration as the case may be

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum or in instalments any sum not exceeding the maximum amount of arrear subscriptions payable for that period

Note 1—[Class III and Class IV employees of the Survey of India who are sent on departmental leave need not subscribe to the Fund during the period of such leave]

Note 2—[The holder of a seasonal post in an establishment need not subscribe to the period of his unemployment]

[GIMF No 10(1) EV(B)/61 dated the 5th July 1961]

(2) The subscriber shall intimate his election not to subscribe during leave in the following manner —

- (a) if he is an officer who draws his own pay bills by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave
- (b) if he is not an officer who draws his own pay bills by written communication to the head of his office before he proceeds on leave Failure to make due and timely intimation shall be deemed to constitute an election to subscribe

The option of a subscriber intimated under this sub rule shall be final

(3) A subscriber who has under rule 32 withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless he returns to duty

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:

- (a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month,
- (b) If he was on leave on the 31st March of the preceding year, and elected not to subscribe during such leave or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;
- (c) If he has entered Government service for the first time during the year, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund.
- (d) If he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month,
- (e) If he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year

(4) The amount of subscription so fixed may be enhanced or reduced once at any time during the course of a year.

Provided that when the amount of subscription is so reduced, it shall not be less than the minimum prescribed in sub rule (1):

Provided further that if a subscriber is on duty for a part of a month and on leave for the remainder of that month and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month

9 *Transfer to foreign service or deputation out of India—*

When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation

Realisation of Subscriptions

10 *Realisation of subscription—* (1) When emoluments are drawn from a Government treasury in India or from an authorised office of disbursement outside India recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves,

(2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Account Officer.

Provided that in the case of a subscriber on deputation to a body corporate owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Account Officer by such body

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the Fund or is in default in any month or months during the course of a year otherwise than as provided in rule 7, the total amount due to the Fund on account of arrears of subscription shall with interest thereon at the rate provided in rule 11, forthwith be paid by the subscriber to the Fund or in default he ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub rule (2) of rule 12

Provided that the subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

Interest

11 *Interest*—(1) Subject to the provisions of sub rule (5), Government shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year according to the method of calculation prescribed from time to time by the Government of India:

Provided that, if the rate of interest determined for a year is less than 4 per cent, all subscribers to the Fund in the year preceding that for which the rate has for the first time been fixed at less than 4 per cent, shall be allowed interest at 4 per cent.

Provided further that a subscriber who was previously subscribing to any other provident fund of the Central Government and whose subscriptions, together with interest thereon, have been transferred to his credit in this Fund under rule 35, shall also be allowed interest at 4 per cent, if he had been receiving that rate of interest under the rules of such other Fund under a provision similar to that of the first proviso to this rule.

(2) Interest shall be credited with effect from last day in each year in the following manner:—

- (i) on the amount to the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year—interest for twelve months,
- (ii) on sums withdrawn during the current year—interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal,

- (iii) on all sums credited to the subscriber's account after the last day of the preceding year—interest from the date of deposit up to the end of the current year;
- (iv) the total amount of interest shall be rounded to the nearest whole rupee, (fifty naye paise counting as the next higher rupee)

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing to the credit of the subscriber became payable

(3) In this rule, the date of deposit shall in the case of a recovery from emoluments be deemed to be the first day of the month in which it is recovered, and in the case of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if it is received by the Account Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month:

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn:

† Provided further that in case of an amount forwarded in accordance with the proviso to sub rule (2) of rule 10, the date of deposit shall be deemed to be the first day of the month if it is received by the Account Officer before the fifteenth day of that month

† [G I M F No 8(25) EV(B)/62/GPF, dated the 12th November, 1962]

(4) In addition to any amount to be paid under rules 31, 32 or 33 interest thereon up to the end of the month preceding that in which the payment is made, or up to the end of the sixth month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid

Provided that where the Account Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a cheque in payment to that person, interest shall be payable only up to the end of the month preceding

the date so intimated, or the date of posting the cheque as the case may be

(5) Interest shall not be credited to the account of a subscriber if he informs the Account Officer that he does not wish to receive it but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub rule (3) of rule 10, sub rule (5) of rule 13, sub rule (3) of rule 20 sub rule (4) of rule 22, sub rule (1) of rule 24 sub rule (1) or (2) of rule 25, rule 31, or rule 32 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub rule (1) of this rule and so far as may be in the manner described in this rule

Government of India's order Orders were issued in the Ministry of Finance Memorandum No F 49 (1) EV/60 dated the 11th March 1960 that the payment of interest beyond a period of six months up to a period of one year might be authorised by the Head of the Account Office after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber and that administrative delays involved in the matter had been fully investigated and action taken

These orders were to be in force for a period of two years after which the position was to be reviewed

The position in this regard has been reviewed and it has now been decided to extend those orders for a further period of one year with effect from the 11th March 1962

These orders will equally apply to accumulations under Contributory Provident Fund Rules (India) and the Workmen's Contributory Provident Fund

[GIMF No F (5) EV(8)/62 dated the 18th August 1962]

Advances from the Fund

12 *Advance from the Fund*—(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months pay or half the amount standing to his credit in the Fund, whichever is less for one or more of the following purposes —

- (a) to pay expenses in connection with the illness or a disability including where necessary the travelling expenses of the subscriber or any person actually dependent on him

(b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely —

(i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;

(c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him,

Provided that the condition of actual dependence shall not apply in the case of a son or daughter of the subscriber.

Provided further that the condition of actual dependence shall not apply in the case of an advance required to meet the funeral expenses of the parent of a subscriber,

(d) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other Government source.

Provided that the advance under this sub clause shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against Government in respect of any condition of service or penalty imposed on him,

(e) to meet the cost of his defence where the subscriber is prosecuted by Government in any court of law or where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

(2) An advance shall not, except for special reasons to be recorded in writing be granted to any subscriber in excess of the limit laid down in sub rule (1) or until repayment of the last instalment of any previous advance.

the period between the drawal and complete repayment of the principal:

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the fund

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred to in clause (a) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that prescribed in sub rule (2). Payments shall be rounded to the nearest rupee in the manner prescribed in clause (iv) of sub-rule (2) of rule 11.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall, with interest, at the rate provided in rule 11, forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding twelve as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub rule (2) of rule 12:

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(6) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the Fund

14 *Wrongful use of advance*.—Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under rule 12 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question, shall with interest at the rate provided in rule 11 forthwith be repaid by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moities of his emoluments till the entire amount is repaid by him

Note.—[The term emoluments in this rule does not include subsistence grant]

Withdrawals from the Fund

† 15. *Withdrawal from the Fund*.—(1) Subject to the conditions specified herein withdrawals may be sanctioned by the autho

sources does not exceed Rs 75 000 or five years' pay, whichever is less

3 Keeping in view the spirit behind the various assistance schemes and the need for encouraging the construction of houses, it has also been decided that final withdrawal from the provident funds for house building purposes may be granted at any time after the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten days before the date of his retirement on superannuation, whichever is earlier, subject to the usual other conditions

4 Pending the announcement of the decision in paragraph 3 above, it has been agreed in a few cases to the grant of the refundable advances to certain Government servants who have completed twenty years of service. Such advances may, at the option of the Government servant, be now converted into a final withdrawal

[GIMF No 4(17) EV(B)/61 dated the 26th March 1962]

(4) A doubt has been raised whether a subscriber who has already been granted a final withdrawal for the purpose of building or acquiring a suitable house, or for the purchase of a house site at one place could be granted another final withdrawal for a similar purpose at the same or another place

It is hereby clarified that a subscriber should not be granted a second withdrawal for house building purposes at any place if he has already been granted a final withdrawal for similar purposes on the same or another place. In other words final withdrawals should not be allowed for more than one house

[GIMF No F 4(1) EV(B)/62 dated the 17th April 1962.]

16 *Conditions for withdrawal*—(1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in rule 15 from the amount standing to his credit in the Fund shall not ordinarily exceed one half of such amount or six months' pay, whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to 3/4ths of the balance at his credit in the Fund having due regard to (i) the object for which the withdrawal is being made (ii) the status of the subscriber and (iii) the amount to his credit in the Fund

† Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Ministry of Works Housing and Supply for the grant of advances for house building purpose or has been allowed any assistance in this regard from any other Government source the sum withdrawn under this sub rule with the amount of advance taken under the aforesaid

Note—[A subscriber who has availed himself of an advance under the scheme of the Ministry of Works Housing and Supply for the grant of advances for house building purpose, or has been allowed any assistance in this regard from any other Government source, shall be eligible for the grant of final withdrawal under sub clauses (a), (b) and (c) of clause (II), for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-rule (1) of rule 16]

+ [GIMF No F 4(17) IV(B)/61, dated the 23rd April, 1962]

(2) The actual withdrawal from the Fund shall be made only on receipt of an authorisation from the Account Officer concerned who will arrange this as soon as the formal sanction of the sanctioning authority has been issued

Government of India's orders (1) BSc course in Home Science may be treated as a specialised or technical Course for the purpose of grant of an advance/final withdrawal from the Provident Fund

[GIMF, No F 47(5) EV/B-60 dated the 29th July, 1960]

(2) General Provident Fund Advance is permissible to meet expenses in connection with the birthday celebrations of subscriber's sons or a daughter provided it is obligatory by custom on the part of a subscriber to perform it

[GIMF, UG No 2227 EV(B)/60, dated the 6th June 1961]

(3) In regard to final withdrawal from provident funds for house building purposes, the existing position is that a Government servant who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply, for the grant of advances for the same purpose, or has been allowed any assistance in this regard from any other Government source is not eligible for the grant of final withdrawal except for the express purpose of repayment of any loan taken under the aforesaid scheme

2 It has been pointed out that in view of the considerable rise in the prices of land and of the increase in the cost of construction of a house, the maximum amount of loan admissible under the aforesaid scheme or the maximum amount of final withdrawal admissible from the provident funds is not always sufficient for a decent house. After a careful consideration, the Government of India have decided that the loan under the aforesaid scheme and the final withdrawal from the provident funds may be granted to Central Government servants independently of each other provided that the total amount drawn from all the

- (i) a payment towards a policy of life insurance,
- (ii) the purchase of a single payment insurance policy
- (iu) the payment of a single premium or subscriptions to a family pension fund approved in this behalf by the President

Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable or (2) to meet any payment or purchase made or effected more than three months before the withdrawal or (3) in excess of the amount required to meet a premium or subscription actually due for payment within three months of the date of withdrawal

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation

Provided further that amounts withdrawn shall be rounded to the nearest whole rupee

Government of India's order The Government of India have had under consideration the question of evolving a suitable procedure for dealing with the defective assignment of an insurance policy by which a subscriber to a provident fund purports to assign it in favour of the President of India in order to enable him to finance the policy out of his contributions to the provident fund

2 An assignment is not complete unless it is accepted for and on behalf of the President by a person duly authorised in this regard under article 299 of the Constitution. The defective assignment is, strictly speaking, not an assignment at all and it conveys no title to the assignee particularly when it has not been accepted

3 Hence an incomplete or a defective assignment may be cancelled by the assignor himself and it is open to the assignor by an endorsement to cancel the assignment which he had earlier purported to make. In strict law the consent of the President is not necessary for effecting the cancellation of such an assignment. The permission of the President is necessary only as a measure of caution in case this is insisted upon by the Life Insurance Corporation or any insurance company

4 In the case of a defective assignment where no interest has accrued to the President under the assignment the Account Officer need not concern himself with the cancellation of the purported assignment by the subscriber. If, however, the Life Insurance

scheme or the assistance taken from any other Government source shall not exceed Rs 75,000 or five years' pay, whichever is less

[GIMF No F 4(17) EV(B)/61, dated the 23rd April, 1961]

(2) A subscriber who has been permitted to withdraw money from the Fund under rule 15 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn, or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum together with interest thereon at the rate determined under rule 11 by the subscriber to the Fund, and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the President

(3) Nothing in sub-rule (2) shall be deemed to require a subscriber whose deposits in the Fund carry no interest, to pay any interest on any sum repayable by him under that sub rule

Conversion of an Advance into a Withdrawal

16 A A subscriber who has already drawn or may draw in future an advance under rule 12 for any of the purposes specified in sub clauses (a), (b) and (c) of clause 1 of sub-rule (1) of rule 15, may convert, at his discretion by written request addressed to the Accounts Officer, through the sanctioning authority, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in rules 15 and 16

[GIMF No F 4(10) EV(B)/61, dated the 18th November, 1961]

Payment towards Insurance Policies and Family Pension Funds

17 *Payment towards Insurance Policies*—Subject to the conditions hereinafter contained in rules 18 to 28—

- (a) (i) subscriptions to a family pension fund approved in this behalf by the President or
- (ii) payments towards a policy of life insurance,
may at the option of a subscriber, be substituted in whole or part for subscriptions due to the Fund
- (b) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet—

clause (a) of rule 17, may reduce his subscription to the Fund accordingly:

Provided that the subscriber shall—

- (a) intimate to the Account Officer on his pay bill or by letter the fact of, and reason for, the reduction;
- (b) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (a) of rule 17

(2) A subscriber who desires to withdraw any amount under clause (b) of rule 17 shall—

- (a) intimate the reason for the withdrawal to the Account Officer by letter,
- (b) make arrangements with the Account Officer for the withdrawal;
- (c) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer, that the amount withdrawn was duly applied for the purposes specified in clause (b) of rule 17.

(3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced, or of any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (b) of sub-rule (1) and clause (c) of sub-rule (2), with interest thereon at the rate provided in rule 11 from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund

21 *Government not to make payments to insurer on behalf of subscribers*—(1) Government shall not make any payments on behalf of subscribers to Insurance Companies nor take steps to keep a policy alive

(2) A policy to be acceptable under these rules shall be one effected by the subscriber himself on his own life, and shall (unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them) be such as may be legally assigned by the subscriber to the President

Explanation 1—A policy on the joint lives of the subscriber and the subscriber's wife or husband shall be deemed to be a policy on the life of the subscriber for the purpose of this sub-rule

Corporation ask for the express consent of the assignee in writing, it would be open in those special cases for the requisite orders authorising the cancellation to be issued by a person authorised in this behalf under article 77 of the Constitution, once the correct facts are reported to him by the Account Officers

5 In cases where an interest has already accrued to the President under the defective assignment, it is open to the Account Officer to reassign the insurance policy under the powers already vested in him by virtue of the notification issued by the Ministry of Law under article 299 of the Constitution

[C.M.F. No F 7(4) EV(B)/62 dated the 4th January, 1962]

18 *Number of policies that can be financed from the Fund—*
(1) The number of policies in respect of which substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund may be permitted under rule 17, shall not exceed four

Provided that where immediately before the 22nd June, 1953, substitution for subscription due to the Fund or withdrawal of subscriptions from the Fund, was permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of those policies

(2) The premium for a policy (including any policy referred to in the proviso to sub rule (1)) in respect of which withdrawal of subscriptions from the Fund may be permitted under rule 17 shall not be payable otherwise than annually

*Explanation—*In computing the maximum number of policies specified in sub-rule (1), policies which have matured or have been converted into paid up policies shall be excluded

19 *Payment of difference between substituted payments and minimum subscriptions—*(1) If the total amount of any subscriptions or payments substituted under clause (a) of rule 17 is less than the amount of the minimum subscription payable to the Fund under sub rule (1) of rule 8, the difference shall be rounded to the nearest rupee in the manner provided in clause (iv) of sub rule (2) of rule 11 and paid by the subscriber as subscription to the Fund

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (b) of rule 17 he shall, subject to his option under clause (a) of that rule, continue to pay to the Fund the subscription payable under rule 8.

20 *Reduction of subscription in certain cases—*(1) A subscriber who desires to substitute a subscription or payment under

another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished

(4) If the policy is not assigned and delivered, or delivered, within the said period of six months or such further period as the Account Officer may under sub rule (1), have fixed any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 11, forth with be paid or repaid, as the case may be by the subscriber to the Fund, or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required, under sub rule (2) of rule 12

(5) Notice of assignment of the policy shall be given by the subscriber to the Insurance Company, and the acknowledgment of the notice by the Insurance Company shall be sent to the Account Officer within three months of the date of assignment

NOTE 1—Subscribers are advised to send notice of the assignment to the Insurance Company in duplicate accompanied in cases in which the notice has to be sent to a company in Great Britain or Ireland, by a remittance of five shillings which is the fee for the acknowledgment authorised by the Policies of Assurance Act, 1867

NOTE 2—Subscribers who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law assignments or re-assignments are required to be stamped within 30 days of their first arrival in those countries Otherwise penalty will be incurred under the Stamp Act, and difficulties may arise when the policy matures for payment

23 *Bonus on Policies*—The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default recovered by deduction from his emoluments by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub rule (2) of rule 12

Government of India's orders (1) It has been brought to the notice of the Government of India that in the absence of specific mention to the contrary these orders have been applied to cases where one policy is being replaced by another The

Explanation 2—A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re assigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife or husband of the subscriber or the wife or husband and children of the subscriber or any of them

Provided that subscribers who took out policies under Note 1 of Rule 21 (u) or under clause (b) or (c) of Rule 21A of the Rules in force prior to the 1st April, 1934 shall remain subject to the provisions of those rules in so far as policies so taken out are concerned

22 Assignment of Policies—(1) The policy within six months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or in the case of an insurance company whose headquarters are outside India, within such further period as the Account Officer, if he is satisfied by the production of the completion certificate (interim receipt), may fix, shall—

(a) unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the President as security for the payment of any sum which may become payable to the Fund under rule 27, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Second Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and the subscriber's wife or husband or the policy has previously been assigned to the subscriber's wife,

(b) if it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber or of his wife and children or any of them, be delivered to the Account Officer.

(2) The Account Officer shall satisfy himself by reference to the Insurance Company where possible, that no prior assignment of the policy exists

(3) Once a policy has been accepted by an Account Officer for the purpose of being financed from the Fund the terms of the policy shall not be altered nor shall the policy be exchanged for

whichever is less, and, in default, the provisions of Rule 29 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (a) or clause (b) of rule 17 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal

Government of India's order A question has been raised as to the procedure which should be followed in the disposal of Insurance Policies which were being financed from the Provident Fund accounts of the subscribers and were kept in safe custody of the Account Officer concerned, but whereabouts of the subscribers are not known

The Government of India after careful consideration have decided that in such cases the Policies should be preserved by the Account Officer for a period of 30 years from the date of death of the subscriber or from the date of maturity of the Policy, as the case may be

[GIMF, No F 7(2) EV(8)/61, dated the 15th December 1961]

26 Procedure on cessation of interest of the subscriber in the family pension fund—If the interest of the subscriber in the family pension fund ceases, in whole or part, from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund secured by the subscriber from the family pension fund, which amount shall, in default of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 12

27 Lapse or wrongful assignment of policies—If the policy lapses, or is assigned, otherwise than to the President under rule 22, charged or encumbered, the provisions of sub-rule (4) of rule 22 applicable to a failure to assign and deliver a policy shall apply

28 Duty of Account Officer when he receives notice of assignment, charge or encumbrance of policies—If, the Account Officer receives notice of—

- (a) an assignment (otherwise than an assignment to the President under rule 22), or
 - (b) a charge or encumbrance on, or
 - (c) an order of a Court restraining dealings with the policy or any amount realised thereon,
- the Account Officer shall not —

regard to policies in respect of which at least one withdrawal has been made from the General Provident Fund before the 17th December 1960

3 However, there may be cases in which the first withdrawal might have been made in respect of a new policy after the 17th December, 1960 but before the receipt of the revised rules in various offices. In such cases the Administrative Ministries may allow the concession as a special case, in relaxation of the rules without reference to the Ministry of Finance

4 The Comptroller and Auditor General will exercise the power of an administrative Ministry in respect of personnel of the Indian Audit and Accounts Department

5 In other cases where the amount was withdrawn after the 17th December 1960, that amount together with interest thereon should be recovered from the subscribers in a lump sum or in monthly instalments not exceeding twelve and the policies, if already assigned to the President should be re-assigned to the subscribers thereafter

[GIMF No F 7(1) EV(B)/C1 dated the 30th September 1961]

(2) In terms of para 5 of order No (1) above whose provident fund money for the purpose of financing an insurance policy has been withdrawn after the 17th December 1960, the amount together with interest thereon should be recovered from the subscribers in a lump sum or in monthly instalments not exceeding twelve

It has been decided that for the purpose of para 5 of order No (1) referred to in para 1 above the authorities competent to sanction an advance for the grant of which special reasons are required under sub-rule 2 of rule 12 of the General Provident Fund (Central Services) Rules 1960 should exercise the necessary powers

[GIMF No F 7(1) EV(B)/C1 dated the 31st January 1962]

FINAL WITHDRAWAL OF ACCUMULATIONS IN THE FUND

31 *Final withdrawal of accumulations in the Fund*—When a subscriber quits the service, the amount standing to his credit in the Fund shall become payable to him

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service shall if required to do so by the Government repay any amount paid to him from the Fund in pursuance of this rule, with interest there

(i) reassign or make over the policy as provided in 24, or

(ii) realise the amount assured by the policy or reassign, or make over the policy, as provided in rule 25,

but shall forthwith refer the matter to the Government

29 Wrongful use of money withheld or withdrawn— Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money withheld or withdrawn from the Fund under clause (a) or clause (b) of rule 17 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal of the money, the amount in question, shall, with interest at the rate provided in rule 11, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount is repaid or paid, as the case may be, by him.

Note—[The term 'emoluments' in this rule does not include subsistence grant.]

30 Restriction of the provisions relating to financing of policies to existing subscribers in respect of existing policies—The provisions of rules 17 to 29 shall apply only to subscribers who, before the date* of publication of these rules, have been substituting in whole or in part, payments towards policies of life insurance for subscriptions to the Fund or making withdrawals from the Fund for such payments.

Provided that such subscribers shall not be permitted to substitute such payments for subscriptions due to the Fund or to withdraw from the Fund for making such payments in respect of any new policy.

Government of India's order. (1) Rule 30 of the General Provident Fund (Central Services) Rules, 1960, restricts the concession regarding financing of insurance policies to subscribers who, before the date of publication of the rules (viz. 17th December 1960), have been substituting in whole or in part, payments towards policies of life insurance for subscriptions to the Fund or making withdrawals from the Fund for such payments.

2. Doubts have been raised from time to time as to the exact scope of this rule. It is accordingly clarified for the information of all concerned that the facility should be continued only in

32 Retirement of subscriber—When a subscriber—

- (a) has proceeded on leave preparatory to retirement, or, if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or
- (b) while on leave, has been permitted to retire or been declared by a competent medical authority to be unfit for further service,

the amount standing to his credit in the Fund shall, upon application made by him in that behalf of the Account Officer, become payable to the subscriber

Provided that the subscriber, if he returns to duty, shall, if required to do so by Government, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in rule 11 in cash or securities or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub rule (2) of rule 12

33 Procedure on death of subscriber—On the death of a subscriber before the amount standing to his credit has become payable, before payment has been made

(i) when the subscriber leaves a family—

- (a) if a nomination made by the subscriber in accordance with the provisions of rule 5 or of the corresponding rule heretofore in force in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination,
- (b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares

on at the rate provided in rule 11 in the manner provided in the proviso to rule 32. The amount so repaid shall be credited to his account in the Fund

Explanation 1—A subscriber who is granted refused leave shall be deemed to have quit the service from the date of compulsory retirement or on the expiry of an extension of service

[G.M.F. No. 8 (6) EV (B)/62 (GPF), dated the 30th August, 1962]

Explanation II—A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break in service to a new post under a State Government or in another department of the Central Government (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case, his subscriptions together with interest thereon shall be transferred—

- (a) to his account in the other Fund in accordance with the rules of that Fund, if the new post is in another department of the Central Government, or
- (b) to a new account under the State Government concerned if the new post is under a State Government and the State Government consents, by general or special order, to such transfer of subscriptions and interest

Note—Transfers shall include cases of resignations from service in order to take up appointment in another Department of the Central Government or under the State Government without any break and with proper permission of the Central Government. In cases where there has been a break in service it shall be limited to the joining time allowed on transfer to a different station.

The same shall hold good in cases of retrenchments followed by immediate employment whether under the same or different Government.

Explanation III When a subscriber is transferred, without any break, to the service under a body corporate owned or controlled by Government, the amount of subscriptions, together with interest thereon, shall not be paid to him but shall be transferred, with the consent of the body, to his new Provident Fund account under that body.

[G.M.F. No. F 8(13) EV(B)/62/GPF dated the 2nd November, 1962]

FORM (A)

(For Gazetted Officers)

Form Of Application For Final Payment Of Balances In The
Provident Fund Account

To,

The Accountant General

Through

(The Head of Office/Department)

Sir,

I am due to retire/have retired/have proceeded on leave preparatory to retirement for _____ months/have been discharged/dismitted/have resigned finally from Government service and my resignation has been accepted with effect from _____, forenoon/afternoon

2 I have not opted for the continued retention of my Provident Fund money in the Fund in terms of the Ministry of Finance O M No F 28(22) EV/57 dated 18th December, 1957 as extended from time to time. I, therefore, request that the entire amount at my credit with interest due under the rules may be paid to me through _____ Treasury/Sub Treasury My Provident Fund Account No is _____.

OR

I have opted for the continued retention of my provident fund money in the Fund in terms of the Ministry of Finance O M No F 28(22) EV/57, dated 18th December, 1957 as extended from time to time and my option has been forwarded vide letter No _____ dated _____/is attached. I request that a sum of Rs _____ may be paid to me in terms of para 2 of that letter through _____ Treasury/Sub treasury My Provident Fund Account No is _____.

3 A sum of Rs _____ (Rupees _____) was last deducted as Provident Fund subscription and recovery on account of refund of advance from my pay bill for the month of _____ for Rs _____ cashed on _____ at _____ Treasury/Sub Treasury

*4 My specimen signature, in duplicate duly attested by another Gazetted Officer of Government is enclosed

5 I certify that I have neither drawn any temporary advance nor made any final withdrawal from my Provident Fund Account during the 12 months immediately preceding the date of my quitting service/proceeding on leave preparatory to retirement or thereafter

OR

Details of the temporary advance drawn by me/final withdrawals made by me

* Para 4 applies only when payment is desired at a treasury other than the one at the District Headquarters where the subscriber last served otherwise it may be struck out

Provided that no share be payable to—

- (1) sons who have attained majority,
- (2) sons of a deceased son who have attained majority,
- (3) married daughters whose husbands are alive,
- (4) married daughters of a deceased son whose husbands are alive

if there is any member of the family other than those specified in clauses (1) (2), (3) and (4)

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso

- (ii) when the subscriber leaves no family if a nomination made by him in accordance with the provisions of rule 5 or of the corresponding rule heretofore in force in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination

34 Manner of payment of amount in the Fund—(1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Account Officer to make payment on receipt of a written application in this behalf as provided in sub rule (3)

(2) If the person to whom under these rules any amount or policy is to be paid, assigned reassigned or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act 1912 the payment or reassignment or delivery shall be made to such manager and not to the lunatic

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Account Officer. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India

Note—When the amount standing to the credit of a subscriber has become payable under rule 34 to rule 35 the Account Officer shall authorize prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being paid as soon as it is ready to be

* 3. It is certified that no demands/following demands of Government are due for recovery.

(Signature of the Head of Office/Department)

*Note—Certificate No 3 to be furnished in the case of Contributory Provident Funds only

FORM (B)

For Non-Gazetted Officers

Form Of Application For Final Payment Of Balances In The
Provident Fund Account.

To,

The Accountant General,

(Through the Head of Office)

Sir,

I am due to retire/have retired/have proceeded on leave preparatory to retirement for—months/have been discharged/dismissed/have resigned finally from Government service and my resignation has been accepted with effect from—fore noon/after noon

2 I have not opted for the continued retention of my Provident Fund money in the Fund in terms of the Ministry of Finance O M No. F 28(22) EV/57, dated 18th December, 1957 as extended from time to time I, therefore, request that arrangements may kindly be made to pay the entire amount at my credit with interest due under the rules

OR

I have opted for the continued retention of my Provident Fund money in the Fund in terms of the Ministry of Finance O M No. F 28(22) EV/57 dated 18th December, 1957 as extended from time to time and my option has been forwarded vide letter No—dated—/is attached I request that arrangements may kindly be made to pay me a sum of Rs—

3 My Provident Fund Account No is— I desire to receive payment through my office/through the—Treasury/Sub Treasury. *Particulars of my personal marks of identification, left hand thumb and finger impressions (in the case of illiterate subscribers) and specimen signature (in the case of literate subscribers), in duplicate, duly attested by a Gazetted Officer of the Government are enclosed

4 The undermentioned life Insurance policies financed by me from my Provident Fund account may kindly be released

Policy No	Name of the Co.	Sum assured
-----------	-----------------	-------------

1

2

OR

He/she has opted for the continued retention of his/her Provident Fund money in terms of the Ministry of Finance O M No F 28(22) EV/57 dated 18th December 1957 as extended from time to time and his/her option has been forwarded vide this Office letter No _____ dated _____ /is attached

8 It is certified that no demand/following demands of Government are due for recovery

(Signature of Head of Office/Department)

*Note Certificate No 8 to be furnished in the case of contributory provident funds only

FORM (C)

Form Of Application For Final Payment Of Balances In The Provident Fund Account Of A Subscriber To Be Used By The Nominees Or Any Other Claimants Where No Nomination Subsists

To

The Accountant General

(Through the Head of Office)

Sir

It is requested that arrangements may kindly be made for the payment of the accumulations in the _____ Provident Fund Account of Shri/ Shrimati _____ The necessary particulars required in this connection are given below —

- 1 Name of the Government servant
- 2 Date of birth
- 3 Post held by the Government servant
- 4 Date of Death
- 5 Proof of death in the form of a death certificate issued by the municipal authorities etc if available
- 6 Provident Fund Account No allotted to the subscriber
- 7 Amount of Provident Fund money standing to the credit of the subscriber at the time of his death if known
- 8 Details of the nominees alive on the death of the subscriber if a nomination subsists

Name of the nominee	Relationship with the subscriber	Share of the nominee
1		
2		
3		
4		

9 In case the nomination is in favour of a person other than a member of the family the details of the family of the subscriber subsequently acquired a family

for use by Head of Office/Department

Forwarded to the Accountant General for necessary action
The particulars furnished above have been duly verified

2 The Provident Fund Account No _____ of Shri/Smt./Kumari _____
(as verified from the annual statements furnished to him/her)
is

3 He/she died on _____ A death certificate issued by the
Municipal authorities has been produced/is not required in this case as there is
no doubt about his/her death

4 The last fund deduction was made from his/her pay for the month
of _____ drawn in this office Bill No _____ dated _____ for Rs _____
(Rupees _____) cash voucher No _____ of _____ Treasury,
the amount of deduction being Rs _____ and recovery on account of
refund of advance Rs _____

5 Certified that he/she was neither sanctioned any temporary advance nor
any final withdrawal from his/her Provident Fund Account during the 12 months
immediately preceding the date of his/her death

OR

Certified that the following temporary advances/final withdrawals were
sanctioned to him/her and drawn from his/her Provident Fund account during
the 12 months immediately preceding the date of his/her death

Amount of advance/ withdrawal	Date and place of encashment	Voucher No
----------------------------------	---------------------------------	---------------

1

2

6 Certified that no amount was withdrawn/the following amounts were with-
drawn from his/her Provident Fund account during the 12 months immediately
preceding the date of his/her death for payment of insurance premia or for the
purchase of a new policy

Policy No and name of the company	Amount	Date	Voucher No
--------------------------------------	--------	------	------------

1

2

3

7 He/She had not opted for the continued retention of his/her Provident
Fund money in the Fund in terms of the Ministry of Finance O.M. No. F 28(22)
EV/57 dated 18th December 1957 as extended from time to time

He/she has opted for the continued retention of his/her Provident fund
money in the Fund in terms of the Ministry of Finance O.M. F 28(22) EV/57
dated 18th December 1957 as extended from time to time and his/her option
was forwarded vide this Office letter No _____ dated _____ is attached
The other particulars required in this connection are given below—

- (i) Date of retirement from Government service
- (ii) Amount at the credit of the subscriber on the date of retirement
- (iii) Amount finally withdrawn after retirement if any

For use by Head of Office/Department

Forwarded to the Accountant General for necessary action
The particulars furnished above have been duly verified

1 The Provident Fund Account No _____ of Shri/Smt./Kumari _____
(as verified from the annual statements furnished to him/her)

2 He/she died on _____ A death certificate issued by the
Municipal authorities has been produced/is not required in this case as there is
no doubt about his/her death

3 The last fund deduction was made from his/her pay for the month
of _____ drawn in this office Bill No _____ dated _____ for Rs _____
(Rupees _____) cash voucher No _____ of _____ Treasury
the amount of deduction being Rs _____ and recovery on account of
refund of advance Rs _____

4 Certified that he/she was neither sanctioned any temporary advance nor
any final withdrawal from his/her Provident Fund Account during the 12 months
immediately preceding the date of his/her death

OR

Certified that the following temporary advances/final withdrawals were
sanctioned to him/her and drawn from his/her Provident Fund account during
the 12 months immediately preceding the date of his/her death

Amount of advance/ withdrawal	Date and place of encashment	Voucher No
----------------------------------	---------------------------------	---------------

1

2

5 Certified that no amount was withdrawn/the following amounts were with-
drawn from his/her Provident Fund account during the 12 months immediately
preceding the date of his/her death for payment of insurance premia or for the
purchase of a new policy

Policy No. and name of the company	Amount	Date	Voucher No
---------------------------------------	--------	------	------------

1

2

3

6 He/She had not opted for the continued retention of his/her Provident
Fund money in the Fund in terms of the Ministry of Finance O.M. No. F-28(11)
E/57 dated 15th December 1957 as extended from time to time

He/she has opted for the continued retention of his/her Provident fund
money in the Fund in terms of the Ministry of Finance O.M. F-28(11) E/57
dated 15th December 1957 as extended from time to time and his/her option
was forwarded vide this Office letter No _____ dated _____ is attached
The other particulars required in this connection are given below—

(i) Date of retirement from Government service

(ii) Amount at the credit of the subscriber on the date of retirement.

(iii) Amount finally withdrawn after retirement, if any

NOTE (1)—The provisions of this rule do not apply to a subscriber who has retired from service and is subsequently re-employed with or without a break in service or to a subscriber who was holding the former appointment on contract

NOTE (2)—The provisions of this rule shall however apply to persons who are appointed without break whether temporarily or permanently to a post carrying the benefits of these rules after resignation or retrenchment from service under another Department of Central Government or under the State Government

Procedure on transfer to Government service of a person from the service under a body Corporate to owned or controlled by Government—

35—A If a Government servant admitted to the benefit of the Fund was previously a subscriber to any Provident Fund of a body corporate owned or controlled by Government the amount of his subscription and the employer's contribution if any, together with interest thereon shall be transferred to his credit in the Fund with the consent of that body

[G O M P No F 8 (23)—EV (D)/62/ GPF dated the 2nd November 1962]

36 *Transfer of amount to the Contributory Provident Fund (India)*—If a subscriber to the Fund is subsequently admitted to the benefits of the Contributory Provident Fund (India) the amount of his subscriptions together with interest thereon shall be transferred to the credit of his account in the Contributory Provident Fund (India)

NOTE—The provisions of this rule do not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently re-employed with or without a break in service in another post carrying contributory provident fund benefits

37 *Relaxation of the provisions of the rules in individual case.*—When the President is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a subscriber he may notwithstanding anything contained in these rules deal with the case of such subscriber in such manner as may appear to him to be just and equitable

PROCEDURE RULES

38 *Number of account to be quoted at the time of payment of subscription*—When paying a subscription in India either by deduction from emoluments or in cash a subscriber shall quote the number of his account in the Fund which shall be communicated to him by the Account Officer Any change in the number shall similarly be communicated to the subscriber by the Account Officer

FIRST SCHEDULE [Rule 5 (3)]

*Forms of Nomination**I When the subscriber has a family and wishes to nominate one member thereof*

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the General Provident Fund (Central Services) Rules, 1960, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid —

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name address and relationship of the person/persons if any to whom the right of the nominee shall pass in the event of his pre deceasing the subscriber

Dated this _____ day of _____ 19____
 at _____
 Two witnesses to signature _____ Signature of subscriber _____
 1 _____
 2 _____

II When the subscriber has a family and wishes to nominate more than one member thereof

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the General Provident Fund (Central Services) Rules 1960, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown against their

Dated this day of 19 .

at

Two witnesses to signature

Signature of subscriber.

1

2

IV. When the subscriber has no family and wishes to nominate more than one person

I, having no family as defined in rule 2 of the General Provident Fund (Central Services) Rules, 1960, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and Address of nominees	Relationship with subscriber	Age	*Amount of share of accumulations so be paid to each	†Contingencies or the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this

day of

19

at

Two witnesses to signature

Signature of subscriber

1

2

* NOTE—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time

† NOTE—Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family

SECOND SCHEDULE [Rule 22(1) (a)]

Forms of Assignment

Form (1)

I A B of _____ hereby assign unto the President of India the within policy of assurance as security for payment of all sums which under rule 27 of the General Provident Fund (Central Services) Rules 1960, I may hereafter become liable to pay to that Fund

I hereby certify that no prior assignment of the within policy exists

Dated this _____ day of _____ 19 _____

Signature of Subscriber

Station _____

One witness to signature

Form (2)

We A B (the subscriber) of _____ and C D (the joint assured) of _____ in consideration of the President of India agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A B to the General Provident Fund (or as the case may be to accept the withdrawal of the sum of Rs _____ from the sum to the credit of the said A B in the General Provident Fund for payment of the premium of the within policy of assurance) hereby jointly and severally assign unto the said President of India the within policy of assurance as security for payment of all sums which under rule 27 of the General Provident Fund (Central Services) Rules 1960 the said A B may hereafter become liable to pay to that Fund

We hereby certify that no prior assignment of the within policy exists

Dated this _____ day of _____ 19 _____

Signature of Subscriber
and the Joint Assured

Station _____

One witness to signature

Form (3)

I, C.D wife of A.B, and the assignee of the within policy having at the request of A B the assured agreed to release my

with the approval—

- (a) of the Comptroller and Auditor General, in the case of officers of the Indian Audit and Accounts Service, and
- (b) of the appointing authority, in other cases

Provided further that where the applicant for an advance for which special reasons are required is himself competent to sanction the advance under the aforesaid provisions, the authority competent to sanction the advance shall be—

- (i) in the case of officers of the Indian Audit and Accounts Service the Comptroller and Auditor General,
- (ii) in other cases, the appointing authority of the applicant

3 In respect of any person serving in connection with the affairs of a State, who is entitled to subscribe to the Fund by or under any law made in this behalf, the authority competent to grant an advance for which special reasons are not required under sub-rule (2) of rule 12, as well as for the grant of an advance for which special reasons are required under sub-rule (2) of rule 12 shall be the State Government.

[No F 50(2) EV/60]

MEMORANDUM EXPLANATORY OF THE GENERAL PROVIDENT FUND (CENTRAL SERVICES) RULES, 1960

(Against each rule, the corresponding rule in the rules previously in force has been given within brackets)

Rule 1 (Rule 1)—The rules come into force from the 1st April, 1960 i.e. the date from which the compulsory provident fund scheme has been introduced.

Rule 2 (Rule 2)—(a) The definition of "Account Officer" has been enlarged to include the Pay & Accounts Officer and the Head of Office

(b) Reference to sterling overseas pay has been omitted from the definition of "emoluments" as no one who is subject to these rules is in receipt of such pay

Dearness pay has been included in the term "emoluments". This is necessary to cover cases of those Government servants who may not exit the revised scales of pay under the Central Civil Services (Revised Pay) Rules, 1960

(c) The definition of leave has been enlarged to include leave under the Revised Leave Rules, 1933

Rule 3 (Rule 3)—Rule 34 in the rules previously in force has been incorporated as sub-rule (2).

FIFTH SCHEDULE (Rule 12)

Authorities competent to grant temporary advances

1 An advance for the grant of which, special reasons are not required under sub-rule (2) of Rule 12 may be sanctioned by the authority competent to grant an advance of pay on transfer under Rule 263 of the G F R Vol 1 or if the applicant is competent to sanction the advance of pay to himself on transfer, by the administrative authority next higher to the applicant.

NOTE - Advances to temporary Government servants may be sanctioned by the authority who is competent to sanction advance of pay on transfer for permanent Government servants

2 An advance for the grant of which special reasons are required under sub rule (2) of Rule 12 may be sanctioned by—

A Ministry or Department of the Government of India

In the case of officers who originally belonged to the Indian Medical Service, and are now serving under a State Government, a Department of the State Government

The Governor of Assam in his capacity as Agent to the President for the Administration of tribal areas,

A Chief Commissioner/Lieutenant Governor.

An authority declared by the Central Government to be the Head of a Department under clause (10) of rule 2 of the Supplementary Rules, but not including any authority declared to be the Head of a Department by a Chief Commissioner/Lieutenant Governor

The General Managers, Managers, Works Managers and Assistant Managers (Technical) of the Government of India Presses, functioning as heads of Presses.

The Controller of Stationery

The Manager of the Forms Press, Calcutta.

The Manager of Publications, New Delhi.

The Controller of Patents and Designs

Provided that where the appointing authority of the applicant is higher than the Head of Department or other authority mentioned in the above list under whose administrative control he is serving, the Head of the Department or other authority, as the case may be, shall not reject his application for an advance save

with the approval—

- (a) of the Comptroller and Auditor General, in the case of officers of the Indian Audit and Accounts Service, and
- (b) of the appointing authority, in other cases

Provided further that where the applicant for an advance for which special reasons are required is himself competent to sanction the advance under the aforesaid provisions the authority competent to sanction the advance shall be—

- (i) in the case of officers of the Indian Audit and Accounts Service, the Comptroller and Auditor General,
- (ii) in other cases the appointing authority of the applicant

3 In respect of any person serving in connection with the affairs of a State who is entitled to subscribe to the Fund by or under any law made in this behalf, the authority competent to grant an advance for which special reasons are not required under sub-rule (2) of rule 12, as well as for the grant of an advance for which special reasons are required under sub-rule (2) of rule 12 shall be the State Government

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(b) Reference to sterling overseas pay has been omitted from the definition of "emoluments" as no one who is subject to these rules is in receipt of such pay

Dearness pay has been included in the term "emoluments" This is necessary to cover cases of those Government servants who may not elect the revised scales of pay under the Central Civil Services (Revised Pay) Rules, 1960

(c) The definition of leave has been enlarged to include leave under the Revised Leave Rules, 1933

Rule 3 (Rule 3)—Rule 34 in the rules previously in force has been incorporated as sub-rule (2).

Rule 15 (New Rule)—This rule lays down the conditions of eligibility and also specifies the purposes for which final withdrawals are allowed. Provision has also been made for final withdrawal to meet medical expenses, including where necessary, the travelling expenses.

Rule 16 (New Rule)—The amount of withdrawal shall not ordinarily exceed six months' pay or one half of the amount standing to the credit of the subscriber in the Fund, whichever is less. The sanctioning authority can sanction an amount in excess of this limit but only up to three fourths of the amount to the credit of the subscriber.

Sub rule (2) contains penal provision to cover cases where a subscriber withdraws money from the Fund and does not use it for the purpose for which the withdrawal is made. All the other conditions prescribed from time to time have been done away with in order to simplify the rules.

For the purpose of this rule also pay has been taken to include dearness pay where admissible.

Rules 17 to 28 (Rules 17 to 27)—These rules incorporate the provisions contained in rules 17 to 27 of the rules previously in force. The proviso below sub rule (2) of rule 18 of those rules has been deleted consequent on the deletion of rule 7 (i).

Rule 29 (Rule 28)—This corresponds to rule 28 of the rules previously in force but is confined to withholding or withdrawal of money from the Fund for financing insurance policies. A separate rule 14 has been included relating to advances.

Rule 30 (New Rule)—This is a new rule making the provisions contained in rules 17 to 29 applicable only to subscribers who were financing their insurance policies from the Fund before the publication of these rules.

This rule does not however permit those subscribers to finance any new policy from the Fund.

Rules 31 to 33 (Rules 29 to 31)—No change.

Rule 34 (Rule 32)—In sub-rule (1) provision has been made requiring the submission of a written application for withdrawal of the accumulations in the Fund when they become payable.

Rule 35 (Rule 33)—In clause (a), the provisions contained in clauses (a) and (c) of rule 33 of the rules previously in force have been incorporated.

Rule 36 (Rule 33A)—No change.

Rule 37 (New Rule)—This corresponds to rule 35 of the All India Services (Provident Fund) Rules, 1955.

Rules 38 and 39 (Rules 35 and 36)—No change.

Rule 40 (New Rule)—This relates to interpretation of rules.

Rules 41 (New Rule)—This is a repealing clause

Schedules—No change

APPENDIX XXXIII

'LIBERALISED PENSION RULES'

In consequence of the recommendations of the Central Pay Commission regarding retirement benefits for Government servants in pensionable service, the President is pleased to direct that the existing pension provisions contained in the Superior Civil Service Rules, the Civil Service Regulations and the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936, in their application to persons appointed to services and posts in connection with the affairs of the Union, shall be modified to the extent indicated below

SECTION I—PENSION

2 (1) The amount of superannuation, invalid and compensation gratuity and the pension will be the appropriate amount set out in Annexure 'A' in respect of persons who retired on or before 21st April, 1960 and Annexure 'B' in respect of persons who retire on or after 22nd April, 1960

(2) An officer may retire from service any time after completing 30 years qualifying service provided that he shall give in this behalf a notice in writing to the appropriate authority, at least three months before the date on which he wishes to retire. Government may also require an officer to retire any time after he has completed 30 years' qualifying service: provided that the appropriate authority shall give, in this behalf, a notice in writing to the officer, at least three months before the date on which he is required to retire

(3) An officer who retires or is retired, only in the manner

¹ Published with G.M.F. No F 3(1) Est. (Spl)/47, dated the 17th April 1950 as amended from time to time

In so far as persons serving in the Indian Audit and Accounts Department are concerned these modifications have been directed after consultation with the Comptroller and Auditor General

² These Rules apply also to the corresponding personnel paid from Defence Service Estimates with effect from the 17th April, 1950. [These Rules were made applicable to Railway servants under Railway Board's No P(E)R. F1/6 dated the 16th November 1957]

indicated in sub paragraph (2) may be granted a retiring pension not exceeding 30/80ths of average emoluments ³[] subject to a maximum of Rs 8 100 per annum

(4) No additional or special additional pensions will be granted

Government of India's orders

(1) It is made clear in Ministry of Home Affairs Memo No 26/6/52 Ests dated the 11th November 1952 (see G I order (7) below Art 459 on page 127 Vol I) that the retirement of an officer governed by Fundamental Rules 56(b) (i) on or after attaining the age of 55 years before attaining the age of 60 years does not come within the meaning of Art 311(2) of the Constitution. Similarly, the retirement of an Officer governed by New Pension Rules by three months notice after completing 30 years qualifying service does not attract that Article. On a question being raised by the Government of Orissa the Ministry of Finance held that if an officer who is governed or who elects to be governed by the New Pension Rules may be required to retire under paragraph 2(2) above (provided he has completed 30 years qualifying service) or under Fundamental Rules 56(b) (i) on or after attaining the age of 55 years and in accordance with the provisions of the Ministry of Home Affairs endorsement referred to above in neither case the provisions of Article 311 would be attracted.

Since the New Pension Rules do not purport to regulate the age of superannuation a Government servant who was previously governed by FR 56(b)(i) continues to be governed by the provision notwithstanding his option to be governed by the New Pension Rules in their entirety. On the other hand since the New Pension Rules do contain a specific provision regarding optional retirement, viz para 2(2) above that provision should be deemed to have superseded Art 465A C.S.R. in relation to this category of officers.

[G I M F No 24() EV/52 dated the 27th November 1952]

(2) A question has been raised whether a Government servant who has given to the appropriate authority notice of retirement under para 2(2) above has any right subsequently (but during the currency of the notice) to withdraw the same and return to duty

3. The Words and Brackets [average pay in the case of an officer belonging to a Central Service (Class IV)] were deleted and the figure Rs 8 100 for Rs 6 750 was substituted from the 1st April 1957 vide G I M F No 20(1) EV/57 dated the 27th June 1957 but the substitution had effect from 17th April 1956 vide G I M F No 20(2) EV/56 dated the 22nd May 1957

Rules 38 and 39 (Rules 35 and 36)—No change

Rule 40 (New Rule)—This relates to interpretation of rules

Rules 41 (New Rule)—This is a repealing clause.

Schedules—No change.

APPENDIX XXXIII

'LIBERALISED PENSION RULES'

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SECTION I—PENSION

2 (1) The amount of superannuation, invalid and compensation gratuity and the pension will be the appropriate amount set out in Annexure 'A' in respect of persons who retired on or before 21st April, 1960 and Annexure 'B' in respect of persons who retire on or after 22nd April 1960

(2) An officer may retire from service any time after completing 30 years qualifying service provided that he shall give in this behalf a notice in writing to the appropriate authority, at least three months before the date on which he wishes to retire. Government may also require an officer to retire any time after he has completed 30 years' qualifying service, provided that the appropriate authority shall give, in this behalf, a notice in writing to the officer, at least three months before the date on which he is required to retire

(3) An officer who retires or is retired, only in the manner

¹ Published with GIMF No F 3(1) Est (Spl)/47, dated the 17th April 1950 as amended from time to time

In so far as persons serving in the Indian Audit and Accounts Department are concerned, these modifications have been directed after consultation with the Comptroller and Auditor General

² These Rules apply also to the corresponding personnel paid from Defence Service Estimates with effect from the 17th April, 1950 [These Rules were made applicable to Railway servants under Railway Board's No F(E)R-F1/6, dated the 16th November 1957]

indicated in sub paragraph (2), may be granted a retiring pension not exceeding 30/80ths of average emoluments ¹[] subject to a maximum of Rs 8,100 per annum

(4) No additional or special additional pensions will be granted

Government of India's orders

(1) It is made clear in Ministry of Home Affairs Memo No 26/6/52 Ests, dated the 11th November, 1952 (see G I order (7) below Art 459 on page 127 Vol I) that the retirement of an officer governed by Fundamental Rules 56(b) (i) on or after attaining the age of 55 years before attaining the age of 60 years does not come within the meaning of Art 311(2) of the Constitution. Similarly, the retirement of an Officer governed by New Pension Rules by three months' notice after completing 30 years' qualifying service does not attract that Article. On a question being raised by the Government of Orissa, the Ministry of Finance held that if an officer who is governed or who elects to be governed by the New Pension Rules may be required to retire under paragraph 2(2) above (provided he has completed 30 years' qualifying service) or under Fundamental Rules 56(b) (i) on or after attaining the age of 55 years and in accordance with the provisions of the Ministry of Home Affairs endorsement referred to above, in neither case the provisions of Article 311 would be attracted.

Since the New Pension Rules do not purport to regulate the age of superannuation, a Government servant who was previously governed by FR 56(b)(i) continues to be governed by the provision notwithstanding his option to be governed by the New Pension Rules in their entirety. On the other hand, since the New Pension Rules do contain a specific provision regarding optional retirement, viz para 2(2) above, that provision should be deemed to have superseded Art 465A C.S.R., in relation to this category of officers.

(G I M F No. 24(1) EV/52 dated the 27th November 1952)

(2) A question has been raised whether a Government servant who has given to the appropriate authority, notice of retirement under para 2(2) above has any right subsequently (but during the currency of the notice) to withdraw the same and return to duty

¹ The Words and Brackets [average pay, in the case of an officer belonging to a Central Service (Class IV)] were deleted and the figure Rs. 8,100 for Rs. 6,750 was substituted from the 1st April 1957 vide G I M F No. 20(1) EV/54 dated the 27th June 1957 but the substitution had effect from 17th April 1956 vide G I M F No. 20(1) EV/56 dated the 22nd May 1957

The question has been considered carefully and the conclusion reached is that the Government servant has no such right. There would, however, be no objection to permission being given to such a Government servant, on consideration of the circumstances of his case, to withdraw the notice given by him, but ordinarily such permission should not be granted unless he is in a position to show that there has been a material change in the circumstances in consideration of which the notice was originally given.

Where the notice of retirement has been served by Government on the Government servant, it may be withdrawn, if so desired for adequate reasons, provided the Government servant concerned is agreeable.

[GIMF No F 24 (57) EV/52 dated the 24th December 1952]

(3) The grant of a family pension and/or the death-cum-retirement gratuity to the dependent of a deceased Government servant under New Pension Rules does not affect the pension under the Central Civil Services (Extraordinary Pension) Rules in Appendix X.

[GIMF No F 1 (2) EV/53 dated the 22nd April 1953]

(4) For the purpose of determining the eligibility for superior and inferior gratuity in case where the service was rendered partly in superior and partly in inferior capacity, the criteria will be whether the total qualifying service was for five years or more irrespective of the fact that service in superior and inferior separately was for less than 5 years. The quantum of gratuity will however be reckoned separately for superior and inferior on the basis of pay drawn in each capacity vide para 1(v)(c) of Finance Ministry's No F 24(39) EV/53, dated the 13th October, 1953 (Order No 5 below Instructions).

[GIMF No F 12(1) EV/55 dated the 27th January 1955]

(5) The authority competent to retire an officer under sub paragraph (2) of paragraph 2 above should be the authority which has power to make substantive appointments to the post or service from which the Government servant is proposed to be retired. Such retirement should ordinarily be effected only when it becomes necessary in the public interest to do so. Such reasons should be formally recorded at the time by the authority competent to retire an officer.

[GIMF No F 19(15) Est/V/55 dated the 11th July, 1955]

(6) The retirement under paragraph 2(2) above can be effected when such retirement is necessary in the public interest. The grounds of public interest may well be that the officer has ceased to be efficient or is suffering from a physical infirmity. Action taken under this paragraph does not amount to removal or dis

missal within the meaning of Art 311(2) of the Constitution and the penal provisions of the Civil Service Regulations relating to forfeiture of pension on dismissal or removal will not, therefore be attracted

Should, however, a contingency arise for reducing pension under the provisions of Article 470 CSR, in such a case it would be desirable to resort to this course independently after the Government servant has first been retired. This would avoid a possible charge that the action taken to retire him was in fact penal in character though expressed to be otherwise

If, however, in a case, a Government servant is actually removed from service under Rule 13 of the Civil Services (Classification Control and Appeal) Rules (Refer to page 38 of Civil Services Rules by A N Khosla) after complying with the necessary formalities prescribed therein all his past qualifying service shall be forfeited under Art 418(a) CSR, and no pension shall, therefore, be payable to him

[GIMF, No 20(4) EV/56 dated the 18th February 1956]

(7) The new Pension Rules do not prohibit the grant of family pension/death cum retirement gratuity to the family of a Government servant who commits suicide

[GIMF, No 20(12) EV/56 dated the 11th September 1956]

(8) The term 'retirement' stands for all kinds of retirements i.e retirement on superannuation or invalidment or on a retiring or Compensation pension

[GIMF No 20(46) EV/57, dated the 31st January 1958]

(9) Certain Government servants had been permitted/required by the Administrative authorities to retire from Government service on the assumption that they had completed 30 years' qualifying service. The assumption eventually proved wrong on actual verification and the qualifying service was found to be less than the period assumed. Such retirements are irregular in terms of para 2(2) above, apart from the difficulties they give rise to. With a view to obviating such difficulties in the future, orders permitting/requiring a Government servant to retire after completing 30 years qualifying service should as a rule not be issued until after the fact that the officer has indeed completed qualifying service for 30 years has been verified in consultation with the Audit Officer

CIMF No 12(B) EV(A)/60 dated the 6th July 1960.]

(10) Refer to GIMHA, No 33/18/62 Ests. (A), dated the 31st December, 1962, below Art. 459 Vol I

SECTION-II DEATH-CUM-RETIREMENT GRATUITY.

3 (1) An officer who has completed five years' qualifying service may be granted an additional gratuity not exceeding the amount specified in sub paragraph (3), when he retires from service and is eligible for a gratuity or pension under Section I.

(2) If an officer who has completed 5 years' qualifying service dies while in service, a gratuity not exceeding the amount specified in sub paragraph (3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under paragraph 4 or, if there is no such person, ¹[it may be paid in the manner indicated below —

- (i) If there are one or more surviving members of the family as in items (a), (b), (c) and (d) of sub-paragraph (1) of paragraph 4, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares
- (ii) If there are no such surviving members of the family as at (i) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items (e), (f) and (g) of sub paragraph (1) of paragraph 4, the gratuity may be paid to all such members, in equal shares]

(3) (i) The amount of gratuity will be nine-twentieths of the "emoluments" of an officer for each completed year of qualifying service subject to a maximum of 15 times the "emoluments" In the event of death of an officer while in service, the gratuity will be subject to a minimum of 12 times the "emoluments" of the officer at the time of his death. ²Provided that in no case it shall exceed Rs 24,000

³(ii) Notwithstanding anything contained in sub paragraph 3(i) in respect of officers retiring on or after 22nd April, 1960, the amount of gratuity will be one fourth of the 'emoluments' of the officer for each completed six monthly period of qualifying service subject to a maximum of 15 times the 'emoluments'. In the event of death of an officer while in service, the gratuity will be subject to a minimum of 12 times the 'emoluments' of the officer at the time of his death

Provided that in no case it shall exceed Rs. 24,000.

¹ [] Substituted for 'to the legal heirs of the officers' vide GIMF, No 20(5) EV/57, dated the 19th February, 1957

² Inserted with effect from the 17th April 1956 vide GIMF No F 20 (1) EV/56 dated the 22nd May, 1957

³ GIMF, No F 4(2) Est (Spl) 59-1, dated the 22nd April, 1960

(4) If an officer who has become eligible for a pension or gratuity under Section I, dies after he has retired from service, and the sums actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub paragraph (1) * [and the commuted value of any portion of pension commuted by him] are less than the amount equal to twelve times his emoluments, a gratuity equal to the deficiency may be granted to the person or persons specified in sub paragraph (2) † [This benefit will not be admissible if the officer had commuted a portion of his pension before death]

† (5) The 'emoluments' for the purpose of this Section will be subject to a maximum of Rs 1,800 per mensem, and will be reckoned in accordance with Art 486 CSR, provided that if the emoluments of an officer have been reduced during the last three years of his service, otherwise than as a penalty, 'average emoluments' as defined in Article 487 may, at the discretion of the authority which has power to sanction the gratuity under this Section, be treated as the 'emoluments'

3 [In respect of officers retiring on or after the 22nd April 1960 the emoluments will be reckoned in accordance with Art 486A CSR]

Government of India's orders

(1) The death cum retirement gratuity payable under the New Pension Scheme is exempted from Income Tax.

[GIMF No 26(13)IT/50 dated the 15th July 1953]

(2) The existing position regarding the payment of death cum retirement gratuity in the event of the death of a Government servant who had/not nominated a person or persons to receive the amount of death cum retirement gratuity, has been reviewed by the Government of India and the following decisions have been taken —

- (i) At present, the rules provide for an alternate nomination to meet the contingency of a nominee predeceasing the Government servant. It has now

* [] Added vide GIMF No 54(8) EV/53, dated the 21st January 1959

† [] Deleted vide GIMF No F 54(6) EV/53 dated the 21st January 1959

1 Substituted vide GIMF No. 20(1) EV/57 dated the 27th June 1957 It has effect from the 1st April 1957

2 Substituted for Rs 1500 with effect from the 17th April 1956 vide GIMF No 20(4) EV/56 dated the 22nd May 1957

3 GIMF No 17(6) EV(A)/60 dated the 14th October 1960.

been decided that the alternate nomination should also cover the contingency of a nominee dying after the death of the Government servant but before receiving payment of death cum-retirement gratuity. Accordingly the existing column for making alternate nominations in Forms 'A', 'B', 'C' and 'D' appended to these Rules has been amended to read as 'Name address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer or the nominee dying after the death of the officer but before receiving payment of the gratuity'

- (ii) The eligibility of a person to receive the amount or share of death cum retirement gratuity should be determined with reference to the facts as they stand on the date of death of a Government servant and any subsequent event (e.g. remarriage of widow, marriage of an unmarried daughter, sister etc) will not affect the entitlement. If however, a person who was entitled to receive death cum retirement gratuity on the date of death of a Government servant dies before getting the payment, the amount or share of gratuity should be redistributed in the manner indicated below
 - (a) In case of 'no nomination' the amount or share of the gratuity admissible to the person concerned should be distributed in equal shares among the surviving eligible members of the family of the deceased Government servant
 - (b) If the person concerned was a nominee, the right to the amount or share of death cum retirement gratuity will pass on to the alternate nominee or nominees in terms of the order at (i) above. In case there is no alternate nominee the amount or share of gratuity should be paid in equal shares to the co-nominees of the person concerned, if any, and failing that it should be distributed in equal shares among the surviving eligible members of the family of the deceased Government servant as in (a) above

[G.I.M.F. No. F 48(1) EV/58 dated the 17th November 1960]

(3) In the case of a Government servant who has become eligible for gratuity after retirement but who dies before the gratuity is actually paid, the gratuity in such a case may be

paid in the following manner —

- (i) to the person or persons on whom the right to receive the gratuity is conferred under para (4) of these rules, or
- (ii) if there are no such persons, in the manner indicated in para (2) of rule 3 ibid

[GIMF, No F 20(5) EV/57 dated the 19th February, 1957]

(4) As a pensioner cannot after his retirement be said to be holding an office, any nomination made by him after retirement is not valid. The payment of death cum retirement gratuity in such cases should, therefore, be made to the surviving members of the family of the deceased officer in the manner provided in para 3(2) referred to above, and not to the nominee or nominees.

[GIMF, No 48(7) EV/58 dated the 17th July, 1958]

(5) Sub para (5) of para 5 of these Rules provides that failing a widow or husband, as the case may be, the family pension may be sanctioned to the eldest surviving son, a question has been raised whether the payment of pension can be authorised to the second son or the eldest surviving unmarried daughter of the deceased Government servant if the eldest surviving son gives his consent in writing to forgo his claim in favour of his younger brother or sister, and whether the share of the death cum retirement gratuity admissible to a member of the Government servant's family can be authorised to another member or members in whose favour the former may have forgone his/her claim. The matter has been carefully considered and it has been decided that since the Government would not in such a case get a good discharge from the eldest son or other member of the family having a prior claim to the pension, the safer and more appropriate course would be to sanction pension only in favour of the member entitled to it under the rules. Similarly, the gratuity should also be paid to all the family in equal shares as has been provided for in para 3 (2) above even though any of the members may volunteer or desire that his/her share may be paid to some other member(s) of the family.

[GIMF No F 20(11) EV/57 dated the 17th October, 1957]

(6) A question has been raised whether the shares of the members of the family of the deceased Government servant who are alive on the date of death of the Government servant, but die or become disqualified before the date on which the amount of gratuity is actually disbursed should be divided among the other surviving members, or whether it should be divided among the other surviving members and the legal heirs of the members who in the meantime have died. The position in the matter is

explained below —

Death cum retirement gratuity is in the nature of a gift. Section 122 of the Transfer of Property Act, 1882, provides that if a donee of a gift dies before acceptance, the gift is void. In other words, the donee must be alive on the date of the gift and the representative of a person deceased at the date of the gift cannot take the gift from him. On this analogy the sanction of a gratuity in favour of a deceased person would also be void in law. It would not vest the gift in the predeceased donee and would not hence become part of his estate so as to pass on to his heirs by succession. It has, accordingly, been decided that, in the type of cases referred to, the share of the gratuity otherwise payable to a member of the family who has died or become disqualified before receiving actual payment, shall be distributed equally among the remaining members of the family.

Disbursing authorities should accordingly ascertain, before making actual payment of a death-cum-retirement gratuity whether all the members of the family in whose favour sanction was issued have continued to be qualified. If not, and if any of them is dead the fact should be reported immediately to the sanctioning authority for the issue of a revised sanction in favour of the remaining members of the family.

[GIMF, No. 48(1) EV/58 dated the 5th May 1958]

(7) The death-cum retirement gratuity and the family pension payable in respect of persons who died on or after the 15th July, 1952, should also be recalculated as a result of the concession embodied in paragraph 3 of the G1 letter of the 9th May, 1953 (see page 202 Volume I). But the death-cum retirement gratuity being based on emoluments and not on 'average emoluments' the formulae mentioned in clause (a) and (b) of sub paragraph (ii) of paragraph (3) of that office memorandum will not apply for its calculation. For that purpose, the entire dearness pay to which the government servant would have been entitled immediately before death or retirement should be added to the 'emoluments' calculated under the normal rules and the sum total should then constitute the ultimate 'emoluments' for the purpose of reckoning the death cum-retirement gratuity.

[GIMF, No. 15(19) EV/53 dated the 20th September, 1953]

(8) Paragraphs 3(3) and 5(1) above provide, that the amount of death cum retirement gratuity admissible under the New Pension Scheme would be related, *inter alia*, to the length of a Government servant's qualifying service, and that a family pension payable under that Scheme may be granted to the family in the event of his death after he has completed twenty five (20) years' qualifying service. A question has been raised in this connection

whether, in the case of an officer who is eligible for the concession embodied in Article 404A C.S.R. and has exercised his option under paragraph 1(c) of order No (1) below para 9 of these Rules the eligibility for and the amount of death cum retirement gratuity and family pension should be determined on the basis of his actual qualifying service, or his total qualifying service, including the addition to his service qualifying for superannuation pension under Article 404A C.S.R. The matter has been carefully considered, and the conclusions reached are set out below :—

The New Pension Scheme has modified the pension rules in the C.S.R. only to the extent indicated in these rules and the orders on the subject issued from time to time. In other respects, those rules continue to be operative as before. In the cases of Government servants who are eligible for the concession in Art 404A, C.S.R., the benefit of adding a certain number of years to their qualifying service is admissible only when they retire on attaining the age of superannuation, and not in any other circumstances. It will, therefore, not be permissible to determine the eligibility for and the amount of death cum retirement gratuity or family pension on the basis of total qualifying service including the addition under Art 404A, C.S.R., in cases where a Government servant dies while in service. In cases, however, where a Government servant retires on attaining the age of superannuation, the death cum retirement gratuity will be calculated on the total of service including the addition under Art 404A, C.S.R. Similarly, when death occurs within five years of retirement on a superannuation pension, a family pension will be admissible subject to the usual conditions, on the basis of the total qualifying service, including this addition.

The question of extending the benefit of Art 404A, C.S.R. for the purpose of computing total qualifying service in all cases of retirement (also other than on superannuation) with a view to the granting of benefits under the New Pension Scheme has also been examined. It has been decided that it would be appropriate to determine the qualifying service under this Scheme on a basis different from that prescribed in the relevant rules in the C.S.R., which have not been modified in this regard. (See also order dated the 12th February, 1952, below Art 404A in Vol I)

[G.O.M.F. No. F 24(45) FV/52 dated the 24th December, 1952]

(9) An officer during the last 3 years of his service was transferred from a post to another post in the same grade. The former post carried special pay while the latter did not carry any special pay. The transfer having not been made as penalty, but on normal grounds the Government of India held that in the

cases of the kind the death cum retirement gratuity may, at the discretion of the authority which has the power to sanction it, be reckoned on the basis of 'average emoluments' alone, as defined in Art 486 CSR. The average emoluments for reckoning death cum retirement gratuity should, however, be subject to the overall maximum of Rs 1500 (Rs 1,800 from 17.4.1956) as required under the New Pension Scheme.

[GIMF No 1 9(28) EV/54 dated the 23rd October, 1954]

(10) The restriction in sub para (ii) of para 1 of GIMF letter dated the 28th July 1952 (see page 230 of Volume I) will apply only in regard to reckoning of pension. In the case however, of gratuity (including death cum retirement gratuity) which is based on emoluments and not on average emoluments the restriction in that sub para will not apply. The gratuity will, therefore, be based on emoluments which the officer would have drawn but for his proceeding on leave even though the Government servant may not have continuously officiated in higher post or continuously held higher temporary post for two complete years immediately before proceeding on leave.

[GIMF No F 12(10) Est/V/55 date the 17th June 1955]

(11) When an officer dies while in service or soon after retirement and a minimum of twelve times the 'emoluments' becomes payable in respect of him as death gratuity, such minimum will be determined as twelve times the emoluments drawn by the officer immediately before his death or retirement irrespective of the fact that he rendered service in an inferior grade on a lesser pay earlier.

[GIMF No 24(39) EV 53 dated the 13th October, 1953]

(12) The residuary gratuity mentioned in sub paragraph 3(4) is admissible only if the death of the Government servant takes place within five years from the date of his retirement.

[GIMF No F 23(46) EV 51 dated the 28th November, 1951]

(13) A question was raised whether a nomination made by a Government servant is valid even after his death after retirement for the purpose of payment of residuary grant payable under para 3(4) of these rules. It was held that the nomination does not become automatically void upon retirement of Government servant and that the claim of the nominee and also of the members of the family are governed by the nomination made while a Government servant was in service.

[GIMF, L.O No D-6768 EV/53 dated the 10th September, 1953]

(14) A question has been raised whether the term "pension" occurring in para 3(4) above includes also the amount of temporary increase in pension admissible under the FD Office Memorandum No F 1(22) W/II/54, dated the 26th May, 1945 (GI Order in Vol. I on page 151 bottom) for the purpose of computing the residuary gratuity payable to the nominee/legal heirs of the deceased Government servant. The use of the words, "sums actually received" in para 3(4) *ibid* indicates that all the amounts received by the deceased Government servant by way of pension or gratuity should be taken into account. It has, therefore, been decided that in addition to pension and gratuity drawn by the deceased Government servant, the aforesaid temporary increase in pension should also be taken into consideration for determining the amount of residuary gratuity payable under the New Pension Rules.

[GIMF, No F 19(4)/EV/54, dated the 15th March, 1954]

Note—[This order is to take effect from the 15th March 1954, as it is not the intention that the past cases should be re-opened.]

(15) The orders were intended to be, and are also applicable to class IV employees equally with others. As has been provided in paragraph 3(5) of the Liberalised Pension Rules, the expressions 'emoluments' and 'average emoluments' occurring in paragraph 3 of this order, will in relation to class IV employees mean 'pay' and 'average pay' respectively as defined in rules 5(b) and (c) of the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936, provided that if in any case the pay was reduced during the last three years of service otherwise than as a penalty, "average pay" may, at the discretion of the authority which has the power to sanction the gratuity be treated as 'emoluments'.

[GIMF No F 66(6) EV/53 dated the 17th December 1953]

(16) A question arose as to how the Death cum Retirement Gratuity should be calculated in cases where the total service of 30 years is made up of two spells of service with broken periods, say inferior service amounting to 17 years 8 months and 23 days and superior service to 12 years 3 months and 7 days. It was decided that the broken period of a year of service in the superior grade may count as service in the inferior grade for the purpose of calculating death cum retirement gratuity, if the amount thereof would be thereby increased.

[GIMF No 10(16) EV/56 dated 30th October, 1956]

(17) The term 'Temporary Service' has the meaning assigned to the term under Rule 2(d) of the Central Civil Services (Temporary service) Rules, 1949 and includes service in tempo-

rary posts But service rendered in respect of which Contributory Provident Fund benefits have been allowed and service on contract are not to be treated as temporary service for this purpose

(18) Rule 28(I)(b)(iv) of the Contributory Provident Fund Rules (India) provides that a subscriber to the Fund who is permanently transferred to a pensionable service, is entitled to count towards pension "such part of the period during which he subscribed to the Fund as Government may determine" In actual practice, the period of past service counting for pension is determined in accordance with certain established principles but, since these are not known generally it has been represented that the officers concerned feel great difficulty in exercising an unconditional option which they are required by the rules to do within a period of three months

It is accordingly hereby made clear for the information of all concerned that the principle which is usually observed in determining the period of past service for the purpose stated above is that only the service during which an officer actually subscribed to the Contributory Provident Fund, is allowed to count for pension and that to the extent indicated below —

- (i) the whole of permanent service,
- (ii) the whole of the temporary/officiating service which would have qualified if the provisions of Arts 370 and 371 CSR were applicable and
- (iii) half of the remaining officiating or temporary service, subject to the conditions indicated in para 7 of the Liberalised Pension Rules

[GIMF No F 31(3) EV/54 dated the 1st June 1954]

(19) Cases have arisen where on retirement/superannuation/invalidment or death while in service the amount of Government contribution together with interest thereon standing to the credit of employees, who have been admitted to Contributory Provident Fund (India) or Workmen's Contributory Provident Fund, is less than the amount which would have been admissible to them or their families had they not been admitted to the aforesaid Funds In such cases the difference between the gratuity that would have been admissible under the aforesaid orders had the employees in question not been admitted to the said Funds and Government contribution with interest thereon standing to their credit in the Funds mentioned above may be allowed

[GIMF No F 17(1) EV(4)/61 dated the 20th March 1962]

Audit Instruction

In the case of a Government servant who has been granted leave preparatory to retirement under the Fundamental Rules, or

(3) If an officer nominates more than one person under sub-paragraph (2), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity

(4) An officer may provide in a nomination —

*[(a) in respect of any specified nominee, that in the event of his predeceasing the officer the right conferred upon that nominee shall pass to such other person as may be specified in the nomination. Provided that if at the time of making the nomination the officer has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family]

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein

*[(5) The nomination made by an officer who has no family at the time of making it or a provision made in a nomination under clause (a) of sub paragraph (4) by an officer whose family consists at the date of making the nomination of only one member shall become invalid in the event of the officer subsequently acquiring a family or an additional member in the family, as the case may be]

(6)(a) Every nomination shall be in such one of the Forms A to D as may be appropriate in the circumstances of the case

(b) An officer may at any time cancel a nomination by sending a notice in writing to the appropriate authority. Provided that he officer shall along with such notices, send a fresh nomination made in accordance with this paragraph

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub paragraph (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub paragraph or sub paragraph, (5), the officer shall send to the appropriate authority a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with this paragraph

(8) Every nomination made and every notice of cancellation given by an officer under this paragraph shall be sent by the officer to his Accounts Officer in the case of a gazetted officer and to the head of his office in the case of a non gazetted officer. Immediately on receipt of a nomination from a non gazetted officer, the head of the office shall countersign it indicating the date of

receipt and keep it under his custody

(9) Every nomination made, and every notice of cancellation given, by an officer shall, to the extent that it is valid take effect on the date on which it is received by the authority mentioned in sub paragraph (8)

Note —[While a nomination as also any change therein will normally be made by an officer during his service he may be allowed to make a fresh nomination or change his earlier nomination after retirement if such a contingency arises]

[GIMF No 48(7) EV/58 dated the 9th June 1960]

Government of India's orders

(1) The nominations both in respect of DCR Gratuity and family pension should hereafter be made compulsory for all permanent Government servants. The Ministries are accordingly requested to ensure that the nominations are duly made —

- (a) by the permanent officers under their control who have not so far made their nominations, and
- (b) by the officers who are eventually made permanent at the time of their confirmation

[GIMF No 21(2) EV/59 dated the 7th November 1959]

(2) The Government of India have decided that married daughters and children of a pre deceased son of a Government servant should also be eligible for a share in the death cum retirement gratuity as follows :—

The family of a Government servant for the purpose of making nominations in respect of death cum retirement gratuity will now include the following relatives —

- (i) Wife, in the case of a male officer,
- (ii) Husband, in the case of a female officer,
- (iii) Sons,
- (iv) Unmarried and widowed daughters, } including
step children
and adopted
children
- (v) Brothers below the age of 18 years and unmarried widowed sisters (including step brothers and step sisters)
- (vi) Father,
- (vii) Mother,
- (viii) Married daughters, and
- (ix) Children of a pre deceased son

If a Government servant dies without making a nomination conferring on one or more of the above named relatives the right to receive the amount of death cum-retirement gratuity, it shall be paid in equal shares to those surviving members of a Government servant's family as detailed above who belong to categories (i) to (iv) above, except widowed daughters. Where there are no such surviving members, but there is/are surviving widowed daughters and/or one or more members of the family of the Government servant who belong to categories (v) to (ix) in the definition, the gratuity may be paid to all such persons in equal shares.

The above order will not, however, alter the existing position in so far as the making of the nominations in respect of family pension is concerned. Nominations for family pension will continue to be made in favour of any or all of the relatives mentioned at items (i) to (vii) above only.

[G I M F No F 10(1) EV/A/60 dated the 22nd June 1960, and even No dated the 14th February, 1961.]

(3) Payment of the minor(s) share of death cum retirement gratuity is to be made to the natural guardian of the minor(s), and in the absence of a natural guardian, to the person who furnished a guardianship certificate.

2 In a case where payment of the minor(s)' share of death-cum retirement gratuity is to be made to natural/legal guardian, in order to issue the necessary payment authority in his/her favour the Accounts Officer concerned must know this fact, as well as the name of the natural/legal guardian. If the above information is not given in the sanction letter, the Accounts officer has to make enquiries on this point from the sanctioning authority, resulting in avoidable delay in the payment of death-cum retirement gratuity. To obviate such delays the Ministry of Home Affairs etc are requested to ensure that in future in all cases of this nature the aforesaid particulars are given in the sanction letter itself.

3 The legal position as to whom the share of a minor in the capacity of minor's natural/legal guardian would be payable is explained as under —

(1) Where no valid nomination subsists —

(a) When a share is payable to minor sons or minor unmarried daughters, it should be paid to the surviving parent except in the case when the surviving parent happens to be a Muslim lady. Where, however, there is no surviving parent or the surviving parent is a Muslim lady, payment will have to be made to the person producing the

guardianship certificate

- (b) When a share is payable to widowed minor daughter(s), production of a guardianship certificate would be necessary
- (c) If in a rare case the wife herself happens to be a minor, the death cum retirement gratuity payable to her shall be paid to the person producing the guardianship certificate
- (d) When there are no surviving members of the family as above in items (i), (ii) (iii), (iv) of sub para (I)(a) of para 4 and the death cum retirement gratuity becomes payable to a minor brother or a minor unmarried sister, the payment should be made to the father or, in his absence, the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case, too, if there is no surviving parent or the surviving parent happens to be a Muslim lady, the payment will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate would be necessary

(2) Where a valid nomination subsists—

- (a) Where the nomination is in respect of one or more of the members of the family, the position stated against para 3(I) would apply
- (b) Where there is no family, the nomination in favour of an illegitimate child, a married daughter or a married sister would also be valid. The position would, therefore, be as follows —
 - (i) If the nominee is an illegitimate child, the share will be payable to the mother, and, in her absence the production of a guardianship certificate would be necessary
 - (ii) If the share is payable to a married minor girl, the share will be payable to the husband

[G I M F No F 24(8) EV(A)/59 dated the 20th October 1959]

†NOTE —[For the purpose of payment of death cum retirement gratuity a surviving Step-mother is not the natural guardian of the minor child, and she is therefore not covered by the term surviving parent.]

[G I M F No F 24(8) EV/59 dated the 1st September, 1960.]

(4) It has been decided in modification of the above order that payment of death cum retirement gratuity to the extent of Rs 5000 (or the first Rs. 5,000 where the amount payable

exceeds Rs 5000) in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without the production of a formal guardianship certificate but subject to the production of an Indemnity bond with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of Rs 5000 if any, would become payable on the production of a certificate of guardianship.

2 It is essential however that there should be adequate *prima facie* grounds for making payment as in above para to the person claiming it. Such ground can exist only if he is shown by a sworn declaration to be a *defacto* guardian and his bonafides have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person such person is in law a *defacto* guardian. The authorities making the payment should, therefore require the person who comes forward to claim payment on behalf of the minor to satisfy them by an affidavit that he is in charge of the property of the minor and is looking after it so that if the minor has no property other than the gratuity, the minor is in his custody and care. The affidavit so to be produced in addition to the Indemnity bond with suitable sureties.

[M.]

10(3) LV(A)/61 dated the 29th June, 1961.]

(5) Rule 9(a) of the Central Civil Services (Temporary Service) Rules 1949, contemplates payment of a gratuity to a Government servant in quasi permanent service in the event of his services being terminated otherwise than as a disciplinary measures or by resignation. A question has arisen whether, in the event of death of a Government servant in quasi permanent service such a gratuity should be paid to his family or, if there is no family to his legal heirs. It has been decided, in consultation with the Ministry of Finance, that where a Government servant who has been declared to be quasi permanent dies before confirmation, the gratuity admissible to him under the Central Civil Services (Temporary Service) Rules, 1949, should be paid to his family. For this purpose, the word 'family' shall be defined as in para 4(1) of these rules. If, however, there be no family, no gratuity would be payable.

In so far as Government servants who are serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

[GIMHA 54/48/51 NGS, dated 29th July 1953.]

(6) In the case of a Government servant in quasi permanent service, who dies before confirmation the gratuity admissible

to him under the Central Civil Services (Temporary Service) Rules, 1949 should be paid to his family. It has been decided that no nomination is required in this case. The gratuity admissible to him, will, on his death, be payable to his family in the order of preference mentioned below,—

1. Eldest surviving widow in the case of a male officer,
2. Husband in the case of a female officer,
3. Eldest surviving son,
4. Eldest surviving unmarried daughter,
5. Eldest widowed daughter,
6. Father,
7. Mother,
8. Eldest surviving brother below the age of 18 years,
9. Eldest surviving unmarried sister,
10. Eldest surviving widowed sister,
11. Eldest surviving married daughter.

Dearness pay should be treated as pay for the purpose of gratuity under rule 9 of the Central Services (Temporary Service) Rules, 1949

The amount of gratuity payable to a quasi permanent Government servant or to his family in the event of his death may be determined on the basis of entries made in his service book, and drawn without a formal application or audit report, just as pay claims in a pay bill form

[GIMHA No 55/166/53 TS, dated the 13th September, 1954, and No 41/14/61 Est (c) dated the 17th March 1962]

Note—Under order No (6) above if a Government servant who has been declared to be quasi permanent dies before confirmation the gratuity admissible to him under the Central Services (Temporary Service) Rules, 1949 should be paid to his family. Under these Liberalised Pension Rules no death gratuity is at present admissible to the family of a permanent Government servant who dies before completing five years of qualifying service. To remove this anomaly it has been decided that the family of a permanent Government servant who dies before completing five years of qualifying service should be given the same benefits as would be admissible if the Government servant had not been confirmed, his permanent service being treated for this purpose on the basis as if it were quasi permanent

This order take effect from the 1st January 1955

[GIMF No F 7(46) EV/54, dated 26th June, 1956]

(7) Order No. (6) lays down the order of preference in which gratuity is payable to the family of a deceased quasi-permanent employee. If the person eligible to the gratuity in accordance with that order of preference is totally denied any share in the property of the Government servant under a will or deed made by him, such person shall be regarded as ineligible to receive the gratuity which shall then be paid to the next person in the order of preference.

In a case where the Government servant makes any such will or deed, he should intimate the fact, in writing to the head of office who should keep a note in the service book of the Government servant. In the case of Gazetted Officers, the intimation will of course go to the Accounts Officer also. In the absence of such a declaration, the presumption would be that there is no such will or deed and the payment of gratuity can be made strictly according to the order of preference given in order No (6).

[C.M.F.A. No 78/144/56 T.S., dated the 29th August 1957]

(8) A question has arisen whether the quasi permanent gratuity payable to a beneficiary who is a minor, can be paid to his guardian in the absence of a natural guardian, without the production of a formal guardianship certificate. It has been decided, in consultation with the Ministry of Finance and Law that the payment of quasi permanent gratuity up to the extent of Rs 1000 in favour of a minor may be made to his guardian without insisting upon the production of a formal guardian certificate, but subject to the production of an Indemnity bond with suitable sureties to the satisfaction of the appropriate authority. (See also Order No 4 above)

[C.M.F.A. No F 7/99 59 T.S. dated the 4th August 1959]

(9) A nomination made even before the completion of five years' qualifying service should be treated as operative provided it has been validly made and is otherwise in order.

In partial modification of para 4(2) it has also been decided that an officer may make nomination for death cum retirement gratuity at any time after confirmation and not necessarily on completion of five years' qualifying service as at present.

[C.M.F. No F 19(3) EV/54 dated the 10th May, 1954]

(10) In case an Officer who dies while in service and in whose case the entire spell of service rendered by him is not easily verifiable, the Audit officer will issue provisionally the certificate of admissibility of death cum retirement gratuity for payment to the family of the deceased Government servant, provided qualifying

service to the extent of at least five years can be verified immediately

[GIMF No F 48(5) EV/58 dated the 14th May 1958]

(11) Where the officer has no family the nomination can be made in favour of a body of persons corporate or incorporate. Similarly where the officer has only one member in his family in whose favour the original nomination should be made the alternate nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons corporate or incorporate.

[GIMF No F 19(3) EV/55 dated the 28th March 1955]

(12) There is no objection to a Government servant nominating persons residing in foreign countries to receive death cum retirement gratuity but in view of the fact that death cum retirement gratuity under the existing rules is payable in rupees in India the remittance of the amount would be subject to usual exchange regulations.

[GIMF No 2492 EV(A)-59 dated the 24th June 1959]

(13) Concubine or illegitimate children are not entitled to death cum retirement gratuity as they are not members of family.

[GIMF UO No 1106 EV/60 dated the 27th April 1960]

(14) Para 4(6)(a) and 5(6) read with para 4(6)(b) of these Rules provide that an officer may at any time cancel nomination in respect of death cum retirement gratuity/family pension by sending a notice in writing to the appropriate authority provided that the officer shall along with such notice send a fresh nomination. Enquiries have been received from certain quarters whether any form has been prescribed for such notice of cancellation. As no form has been prescribed so far the President has been pleased to decide that a certificate as follows should be inserted just below the proforma to be filled in by the officer in each of the nomination Forms A to D for death cum retirement gratuity and Form E for family pension referred to in paras 4(6)(a) and 5(6) respectively.

This nomination supersedes the nomination made by me earlier on (dated) which stands cancelled."

[GIMF Memo No. 4(1) EV 60 dated the 14th October 1960]

(15) The Government servants should not specify death as one of the contingencies in the penultimate column of the nomination forms. However nominations already made by the officers concerned and accepted by the competent authority in which

'death' has been specified as a contingency will not be treated as invalid

[G I M F, No F 48(11) EV/58 dated the 16th March, 1959]

(16) To obviate the possibility of losses of nomination papers, it has been decided that in the cases of non gazetted Government officers, the nomination papers should, after countersignature by the head of the office as required by the these orders, be kept in a separate confidential file which should be lodged for safe keeping with the head of the office or other responsible officer nominated by him for this purpose and a clear note made in the service book of the officer as to what nominations and related notices have been received from him and where they have been lodged for safe custody so that there should be no difficulty in locating the documents when the occasion for making a reference to them arises

[G I M F No 21(4) EV/59 dated the 6th April 1960]

(17) An acknowledgement confirming that the nominations made by a Government servant and the related notices have been duly received and placed on record should invariably be sent to him (Government servant) making or cancelling a nomination by the Accounts Officer in the case of Gazetted Officers and the head of the office in the case of Non Gazetted Officers. All Government servants should be advised that it would be in the interest of their nominees if they would preserve copies of the nominations made by them and of the related notices and acknowledgements either in their personal custody or in safe deposit along with their other important personal documents etc where they may be expected to come into the possession of the beneficiaries in the event of their death

[G I M F No 8(9) EV/(A)/60 dated the 13th December, 1960]

(18) It has, therefore, been decided that acknowledgements should be sent to all Government servants in position on or after the 13th December, 1960 irrespective of whether they filed their nominations prior to or after the issue of the above order

[G I M F No 5(9) EV/60 dated the 7th July 1961]

SECTION III FAMILY PENSION

5 * (1) A family pension not exceeding the amount specified in sub paragraph (2) may be granted to the family of an officer who dies, whether while still in service or after retirement, after

1 Substituted by G I M F No 20(1) EV/56 dated the 22nd May 1957 and subsequently amended by No 20(40) EV/57 dated the 26th November 1957. It has effect from the 1st April 1957

completion of not less than 20 years' qualifying service, for a period of ten years:

Provided that the period of payment of family pension will in no case extend beyond a period of 5 years from the date on which the deceased officer retired or on which he would have retired on a superannuation pension in the normal course, according as the death takes place after retirement or while the officer is in service.

Note.—(i) In the case of an officer who dies while on extension of service, the expression 'date on which he would have retired on superannuation pension in the normal course' in the above proviso shall mean the date up to which extension of service had been sanctioned to him before his death.

(ii) In the case of a person governed by clause (b) (i) of I R¹ 56 in the matter of age of compulsory retirement, the expression 'date on which he would have retired on superannuation pension in the normal course' in the above proviso means the date on which he would have attained the age of 55 years in case death takes place before the officer attained that age, and the date up to which his continuance in service had been sanctioned at the time of his death, if death takes place while in service at any time after attaining the age of 55 years.

(2) The amount of family pension will be:—

(a) In the event of death while in service, one half of the superannuation pension which would be admissible to the officer had he retired on the date following the date of his death, and

(b) In the event of death after retirement, half the pension sanctioned for him at the time of retirement.

Provided that the amount of family pension will be subject to a maximum of Rs 150 p.m. and a minimum of Rs 30 p.m. subject to the further condition that the minimum pension will not in any case exceed the full amount of the pension sanctioned to the deceased Government servant at the time of his retirement or, in case he dies while in service, the pension that would have been admissible to him if he had retired on a superannuation pension on the date following the date of his death.

In cases where an officer mentioned in clause (b) had commuted a part of his pension before his death, the uncommuted value of that part of pension will be deducted from the family pension calculated as above.

(3) "Family" for the purposes of this Section will be as defined in sub paragraph (1) of paragraph 4.

(4) No pension will be payable under this Section.—

(a) to a person mentioned in clause (b) of sub-paragraph

¹ This proviso was substituted by G.M.F. No. 10(40)-EV/57, dated the 26th November 1957.

their confirmation in Government service, make a nomination in Form E, indicating the order in which a pension sanctioned under this Section should be paid to the members of his family, and, to the extent that it is valid, the pension shall be payable in accordance with such nomination, provided the persons concerned are eligible, on the date from which the pension may fall due, to receive the pension under the provisions of sub para (4). In case the person concerned does not satisfy the requirements of the said sub-paragraph, the pension shall be granted to the person next lower in the order. The provision of sub paragraphs (6)(b), (8) and (9) of paragraph 4 will apply in respect of nominations under this sub paragraph.

(7) (a) A pension awarded under this Section will not be payable to more than one member of an officer's family at the same time.

(b) If a pension awarded under this Section ceases to be payable before the expiry of the period mentioned in sub paragraph (1) on account of death or marriage of the recipient or other causes, it will be re-granted to the person next lower in the order mentioned in sub paragraph (5) or to the person next lower in the order shown in the nomination made under sub paragraph (6), as the case may be, who satisfies the other provisions of this Section.

(8) A pension sanctioned under this Section will be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of an officer's family under existing Rules or Acts.

(9) As in the case of grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension under this Section. Government reserve to themselves the right of withholding or withdrawing such a pension or any part of it, if the recipient be convicted of serious crime or be guilty of grave misconduct and Government decision in such matters will be final.

Government of India's orders

1. (i) Amended sub-para (1) and (2) of paragraph 5 above take effect from the 1st April, 1957. The amount and the total period of availability of all family pensions which had been already sanctioned or become due before the 1st April, 1957 shall be re-adjusted in accordance with these orders so however, that no arrears in respect of any period prior to the 1st April, 1957 shall be payable.

Note.—The intention is that even a family pension which had been sanctioned in terms of the old rules of 1947 shall be re-adjusted before the

continued if it had originally been sanctioned in terms of the liberalised orders dated 22nd May, 1957. Similarly where the benefit of the minimum amount of family pension becomes admissible in respect of a continuing or lapsed family pension that should also be allowed. No arrears for the period prior to 1st April, 1957 will, however, be admissible in such cases.

[GIMF No F 9(2) FV(A)/61, dated the 3rd March 1961]

(ii) Cases of officers who may have died during the period of three years prior to the 1st April, 1957 and whose families would have become eligible for a family pension if the modifications of the existing rules embodied in para 5 above had been in force on the date of death of the officers concerned will be considered ad hoc on merits. All such cases should be referred to Government through the appropriate channels, giving all relevant particulars.

2 Government will also be prepared, to consider, in exceptional circumstances, the award of family pension to families of officers who may die after completing less than 20 years' qualifying service but not less than 10 years' qualifying service.

3 In view of the considerable liberalisation which the above orders involve in the provisions of New Pension Rules, it has been further decided that a Central Service Officer who had elected to maintain under the old Pension rules, in whole or in part pursuant to the provisions of Finance Ministry's Office Memorandum No F 3(161 Est(Spl)/50, dated the 2nd January, 1951 (See G I order No 1 below para 9), and who was in service or on leave preparatory to retirement (including refused leave) on the 17th April 1956, shall be allowed to exercise a fresh option in favour of the New Pension Rules as modified by the orders referred to. The option shall be exercised within six months from the date of issue of these orders (Refer to Note below) and, once exercised will be regarded as final. In case of failure to exercise a fresh option within the stipulated period it will be treated that the original option, if any, subsists. The option shall be exercised in writing and shall be communicated by the officer concerned to the head of his office if he is a non-gazetted officer and to his Accounts Officer if he is a gazetted officer. The option when received from a non-gazetted officer should be countersigned by the head of office and pasted in the service book of the officer concerned.

(Refer to G I order No (9) on page 43, of Volume I under Art. 907)

[GIMF No. 20(2) EV/56 dated the 22nd May, 1957]

Note—[The time limit for the exercise of options under para 3 of order No (1) above shall be extended up to and inclusive of 30th April, 1958. The procedure and the conditions for the exercise of options, as laid down in para 3 *ibid*, would be applicable to the exercise of options under these orders also.]

Eligible officers who have already exercised their options may also change such options if they so desire.]

[GIMF No. F. 20(2) EV/56, dated the 10th January, 1958]

(2) According to para 2 of Order No (1) above, Government would be prepared to consider in "exceptional circumstances" the award of family pension to families of officers who may die after completing less than 20 years' qualifying service but not less than 10 years' qualifying service. Such cases are at present required to be referred to the Finance Ministry for sanction. In dealing with such cases in the past Government have taken a generous view of the "exceptional circumstances" referred to, and have generally agreed to the grant of a family pension, of an amount and for the period that would otherwise be admissible under the rules as certified by the Audit Officer, in all those cases in which the amount receivable by the family by way of insurance, Provident Fund and death cum retirement gratuity of the deceased Government servant together did not exceed 48 times the monthly pay of the officer at the time of his death, or if the cash assets exceeded that amount, the education of the children (or child) of the deceased officer was not likely to be completed within a period of five years. In cases where the aforesaid conditions were not satisfied, the Government of India have been restricting the grant of family pension to a maximum period of five years. In the circumstances, with a view to avoid such references to the Finance Ministry and to obviate delays in the sanctioning of family pension in such cases, the President has been pleased to decide that the power to sanction family pension in exceptional circumstances in cases falling under paragraph 2 of order No (1) above may in future be exercised by the pension sanctioning authorities, subject to the observance of the guiding principles mentioned above.

[GIMF, No. 23(27) EV/59 dated the 9th December 1960]

† The term education includes apart from Primary/Secondary education, also higher education including medical, scientific and technical education.

[GIMF, No. F. 23(27) EV/59 dated the 11th October, 1961]

(3) Para 2 of the order No. (1) does not apply to cases of death occurring before the issue of this order, but the Government of India would be prepared to consider cases of such officers also on merits and to grant family pension in exceptional circumstances, provided that the death of the officer concerned did not take place more than three years prior to the 1st April, 1957. All such cases should be referred to Finance Ministry for prior concurrence.

[GIMF, No. F. 20(31) EV/57, dated the 11th November, 1957]

(4) The powers delegated in order No (2) above to pension sanctioning authorities can be exercised by them to cover family pension cases mentioned in para 2 of order No (1) and order No (3) above

[GIMF No F 13(17) EV/59 dated the 30th March 1961]

(5) A case occurred recently where the continuance in service for a period of one year beyond the age of 55 years had been sanctioned for a Government servant governed by clause (b)(i) of FR 56. During the currency of that one year term orders were issued for his retention in service for a further period of one year but he died before the expiry of the first term of one year. In this connection, a doubt was expressed as to whether or not the second sanction for retention in service which has not become operative should be taken into account for the purpose of Note (ii) below para 5(1) above on page 369.

Although the position is that in the type of cases referred to above the sanction to the continuance in service for the next term of one year which is agreed to or issued before the expiry of the current term does not actually become effective, yet, in according that sanction it is recognised by the sanctioning authority that the officer concerned would not retire from service in the normal course before the expiry of the period mentioned therein. In that view for the purpose of Note (ii) and also Note (i) below para 5(1) above the 'date on which he would have retired on superannuation pension in the normal course' should be taken as the date up to which his retention in service or extension of service had been agreed to by the competent authority, before the date of his death, irrespective of whether it was communicated to the deceased Government servant before his death or not. In other words the sanctions which have been agreed to but have not been communicated or have not become operative before the death of a Government servant, should be taken into account while computing the period of tenability of family pension under the existing rules.

[GIMF No F 50(50) EV/60 dated the 2nd June 1960]

(6) Under the last sentence of sub para 5(2), if an officer had already commuted a part of his pension, the uncommuted value of that part of pension has to be deducted from the family pension as calculated under the earlier provisions of the sub para. The intention is that the amount of family pension should first be calculated ignoring the fact that the officer has commuted a portion of his ordinary pension and from the amount so arrived at, the amount of pension commuted should be deducted. For example, if the ordinary pension was Rs 90 p.m. and the officer

bad commuted Rs 30 out of this, family pension would be Rs $90/2 - 30 = \text{Rs } 15 \text{ p.m}$

[GIMF No 3(31) Est (Spl)/50 dated the 16th February 1951]

(7) The intention of para 5(2)(a) above is that the amount of family pension admissible will, in the event of death while in service after completing 25 (now 20) years' qualifying service be, half the pension which would be admissible to the officer had he been assumed to be superannuated on the date following the date of his death

[GIMF UO No 2358 EV/54 dated the 16th March 1954]

(8) The expression "son" used in paragraph 5(5)(ii) above does not include a step son

[Ministry of Law UO No 21788/58 Adv(F) dated 25th May 1958]

(9) Para 5(6) provides that an officer who has completed 25 (now 20) years qualifying service may make a nomination in the name of any member of his family for the purpose of family pension. Since most of the Government servants are not in a position to know as to when they actually complete 25 (now 20) years qualifying service it has been decided that nomination in respect of family pension may be made by an officer after completing a total period of 25 (now 20) years' service (not necessarily qualifying service)

[GIMF, No F 19(16) EV/54 dated the 8th October 1954]

(10) The family pension and/or the death gratuity admissible to an officer who died while in service or within 5 years of his retirement in the interval between the 16th April 1950 and the 1st August, 1952, should be recalculated in accordance with order No (5) below Art. 487A, Vol I but the increased rate of family pension will be admissible only in respect of the period after the 31st July 1952 and the recalculated death gratuity will be reduced in the manner contemplated in para 2 of GIMF No 15(6) EV/52, dated the 28th July, 1952 (see page 229 of Vol I)

[GIMF No 15(6) EV/52 dated the 18th August 1953]

(11) On the analogy of Art. 920(1) CSR the family pension is subject to revision on the same being found in excess of what the recipient is entitled under the rules. Accordingly in case it is found that the amount of family pension sanctioned to a person is in excess of what he/she is actually entitled to under the rules the procedure laid down in Note below Art. 920 Vol I page 452 should be followed

[GIMF No 24(66) EV/60 dated the 12th April 1962]

(12) Doubts have been expressed in certain quarters whether the pay of a Government servant in receipt of family pension under these rules should be reduced by the amount of the family

pension It has been decided that the family pension under these rules is allowed for a limited period only and as such in regulating the pay of an officer employed by Government the fact of his being in receipt of family pension under these rules should not be taken into account See also G1 orders Nos (5) and (6) below Art 521 on pages 346 and 347 of Volume I

[G1 MF No F 7(18) EV/56 dated the 9th May 1956]

(13) A question was raised whether the Defence share of the divisible family pension which is granted to the family of a Government servant who dies while in service under the New Pension Rules would be extinguished in the manner laid down in the Incidence of Pension Rules Article 28 of Appendix 3 to Account Code Vol I and if so, how the commuted value of the Defence share of the family pension in such cases will be arrived at

The Government of India held that the total capitalised value of the family pension divisible between Civil and Defence Departments may first be worked out with the help of the table enclosed The share of each of the Departments viz., Civil and Defence should then be worked on the basis of the length of qualifying service rendered under either Department The accounting adjustment of family pension may be made on the same principle as is laid down in Rules 28 and 29 of Section IV of Appendix 3 to Account Code Vol I for apportioning pension

The table has been drawn up to serve as a guide for purpose of inter departmental adjustments only

[G1 MF No F 20(2) EV(c)/62 dated the 2nd January 1963]

APPENDIX

Table for working out the capital value of family pension payable for varying periods for the purpose of inter-departmental adjustments

Nearest outstanding terms in years

Commuted value payable at the time of death of officer, of family pension of Rupee one per annum

1	0 98
2	1 91
3	2 84
4	3 72
5	4 57
6	5 38
7	6 17
8	6 93
9	7 66
10	8 37

(This table is based on a rate of interest of 33.4%)

(14) In the case of an officer who dies while on leave preparatory to retirement on a retiring pension, the period of 5 years for the purpose of the grant of family pension should be reckoned from the date on which the officer would have retired on a superannuation pension in the normal course and not the intended date of retirement on a retiring pension which did not however actually come about.

[G.M.P., No F 9(13) F 1/60 dated the 28th July 1960]

SECTION IV—QUALIFYING SERVICE

6 The minimum age after which service counts for pension is raised from 16 to 18 years in the case of an officer belonging to a Central Service, Class IV, (1) who enters service of the Government of India after the date of issue of the orders or (2) who having entered such service on or before that date, did not hold a lien or a suspended lien on a permanent pensionable post under the Government of India on that date.

7 (1) Half the continuous temporary service under the Government of India rendered after an officer has attained the minimum qualifying age if followed by confirmation in a pensionable post, will count as "qualifying service". This benefit will not, however be allowed in respect of periods of extraordinary leave and any temporary service or portion thereof which already counts towards "qualifying service" under the existing rules.

(2) Notwithstanding anything contained in sub paragraph (1), in respect of officers retiring on or after the 22nd April, 1960 continuous temporary or officiating service under the Government of India, followed without interruption by confirmation in the same or any other post, shall count in full as qualifying service except.—

- (i) periods of temporary or officiating service in a non pensionable establishment,
- (ii) periods of service in a work charged establishment, and
- (iii) periods of service in a post paid from contingencies.

Note —1 In the case of a State Government servant who is permanently transferred to the Central Government and becomes subject to those rules under Article 4A C.S.R. the term "continuous temporary/officiating service" shall include such service rendered under the State Government.

Note —2 In the case of State Government servants who come over to the Central Government on deputations and ultimately get confirmed thereon, and become subject to the Central Government Pension rules vide Article 4A C.S.R. the temporary/officiating service rendered in the State Government will be taken as rendered under the Central Government and will count in full or full as the case may be for the purpose of pension.

[G.M.P. No F 3(4) F 1/61 dated the 22nd February 1961]

Government of India's orders

(1) It has been decided that the intention of the Liberalised Pension Rules is that the benefit of counting for the purpose of

pension under these rules half the continuous temporary service rendered by an officer after attaining the minimum qualifying age should also include half the officiating service which does not count under Article 371 C.S.R.

[G.I.M.F. No F 24(20) EV/52, dated the 7th June, 1953]

(2) In a case a Government servant is not confirmed in a permanent post but retires while holding a temporary post continuously for a period of 25 years or so the provisions of para 7 of the Liberalised Pension Rules are not applicable. In such a case full or part of the continuous service may be declared to be permanent under Article 361 A and this will not contravene the provisions of para 7 of the L.P.R. read with para 1(i) Government of India's order No. 4 below para 13 *ibid* on page 398

[G.I.M.F. No D 106/95/FV, dated the 4th January, 1955]

(3) The Special disability leave or study leave taken during the period of temporary service which counts for pension to the extent of half under the Liberalised Pension Rules, will also count to the extent of half towards pension under the Liberalised Pension Rules

The provision of Arts 407 and 408 C.S.R. are not attracted in counting these kinds of leave towards pension.

[G.I.M.F. No F 11(17) EV/58, dated the 4th June 1958]

(4) Fractions of half a day should be rounded off to the nearest full day in computing qualifying service under paragraph 7(1)

[G.I.M.F. No F (1) EV/53, dated the 21st September 1953]

(5) Under Paragraph 7 of New Pension Rules, one half of the continuous temporary service rendered prior to confirmation counts for pension under the Liberalised Pension Rules, subject to certain conditions. A question was raised whether one half of such temporary service should also be counted for the purpose of computing "total service" as mentioned in column 1 of the table below Article 408 of C.S.R. and for applying the limits prescribed in columns 2 and 3 thereof in regard to counting leave other than privilege leave etc. for pension. It was decided that one-half of such temporary service should be counted for computing "total service", as mentioned in Article 408, subject to the same conditions as in paragraph 7 above and the limits prescribed in column 3 of Article 408(1) C.S.R. should be applied on that basis. For this purpose, one half of the earlier continuous temporary service rendered prior to the commencement of qualifying service should be added straightway to the "total service" otherwise computed and the sum total should then form the ultimate "total service". It was also decided that all leave with allowances taken during

the continuous spell of temporary service should be taken into account for computing the one half of temporary service as mentioned above but that any period of extraordinary leave availed of during that period should be excluded for that purpose

As a corollary and on the analogy of Article 407 CSR one half of the period spent on privilege leave or leave on average pay up to four months in the one spell or earned leave under the revised leave rules during temporary service, will automatically count for pension. One half of 'other leave with allowances availed of during temporary service will also count for pension along with such leave availed of during permanent and quasi permanent service subject to the limits prescribed in Article 408 CSR. No portion of any extraordinary leave without allowance should however count for pension in any case

[GIMF No F 11(38) EV/56 dated the 22nd October 1956]

(6) The service rendered by an S A S Apprentice in the Indian Audit and Accounts Department will be treated as temporary service for the purpose of the benefits in paragraph 7 above and will count towards pension to the extent of one half subject to the conditions laid down therein

[GIMF No F 13(74) Adm II/56 dated the 13th August 1956]

(7) Under the New Pension Scheme where half of the continuous temporary service which is followed by confirmation counts for pension there is a greater possibility of temporary service counting for pension and it is but reasonable that pension contribution should be recovered in all such cases. It has accordingly been decided that when a temporary Central Government servant is transferred to foreign service pension contribution should be recovered as in the case of permanent Government servants. Pension contribution is also to be recovered in respect of a quasi permanent Central Government servant who is transferred to foreign service

The question has also been considered whether the rate of contribution lower than that in respect of a permanent Government servant should be prescribed in the case of a temporary Government servant on foreign service. Such reduction is considered unnecessary because the rate of contribution can at best be determined only on a rough basis and a different basis for temporary personnel would lead to accounting complications

[GIMF No FI (6) E IV/52 dated the 6th January 1953]

Audit Instruction

The term temporary service used in rule 7 of the Liberalised Pension Rules will have the meaning as signed to it under rule 2(d) of the Central Services (Temporary

Service) Rules, 1949 reproduced below:—

"Temporary Service" means officiating and substantive service in a temporary post, and officiating service in a permanent post under the Government of India

SECTION V—COMMUTATION

8 *Facilities for commuting pension in accordance with the Civil Pension (Commutation) Rules (See Appendix XI) will continue, but the maximum of pension which may be commuted will be restricted to one third of any pension granted under Section I.*

Government of India's Order

A Government servant commuted a portion of his pension originally sanctioned and this amount did not exceed the maximum limit prescribed under the above paragraph. His pension was reduced with effect from a subsequent date as a measure of punishment under the provisions of Art. 351 C.S.R. The limit prescribed for commutation was consequently exceeded. A question arose whether the commutation should be treated as irregular and whether President's sanction for its regularisation would be necessary.

It has been decided that the original commutation which was within the prescribed limit on the date of commutation became absolute and the subsequent reduction in his pension from a later date as a penalty under Art. 351 does not affect the position at all. Accordingly there would be no need to regularise the commutation in the above case.

[D.G.P.T. letter No. 21/34/58 Pen., dated the 5th April, 1959.]

SECTION VI—OPTION TO PRE-1938 ENTRANTS

9 An Officer belonging to a Central Service Class I, Class II or Class III who held a lien or a suspended lien on a permanent pensionable post under the Government of India or a Provincial Government or a Local Fund administered by Government, on 30th September, 1938 and is holding a lien or a suspended lien on a permanent post under the Government of India on the date of issue of these orders, may opt for his existing pension rules as a whole, in which case he will not be eligible for any of the benefits mentioned in Sections I to V. The option should be exercised within a period of one year from the date of issue of these orders or before the officer retires from service, whichever date is earlier, and until such an officer opts for his existing pension rules, the provisions of Sections I to V will apply to him. The option should

be exercised in writing and should be communicated by the officer concerned to the head of his Office if he is non gazetted officer and his Accounts officer, if a Gazetted Officer. The declaration when received from a non gazetted officer should be countersigned by the head of the office and pasted in the service book of the Officer concerned. The option once exercised will be final. It will be the responsibility of an officer opting for the existing pension rules as whole, to ensure that the receipt of his declaration is acknowledged by the Accounts Officer or the Head of his office as the case may be, and that he receives an intimation that it has been duly recorded by the authority concerned.

Government of India's Orders

(1) Government servants who were in permanent pensionable service on the 30th September 1938, as defined in para 9 above will be allowed the following options —

- (a) coming on to the New Pension Scheme or
- (b) continuing under the existing rules applicable to them before the introduction of the New Scheme or
- (c) drawing pension, including additional pension, under the existing rules applicable to them before the introduction of New Scheme reduced by the pension equivalent of the gratuity admissible under the New Pension Scheme and receiving in lieu of this reduction the death cum retirement gratuity as provided under this Scheme

Government servants who exercise the option as at (c) above will be eligible for the death cum retirement benefits and family pension admissible under Sections II and III of these Rules and they will also be subject to the restrictions and conditions in Section V and para 10 of Section VII. They will be eligible in addition for a pension as calculated under the existing rules applicable to them before the introduction of the New Scheme the amount of which will however be reduced by the pension equivalent of the gratuity admissible under Section II of these orders. For this purpose —

- (i) the words under the rules applicable to him as calculated under the orders in Office Memorandum No 3(16) Est (Spl)50, dated the 2nd January 1951 will take the place of the words under Section I in paras 3(1), 3(4) and 8 of these Rules
- (ii) the superannuation pension for purposes of paragraph 5(2)(a) of these Rules will be the amount calculated under the existing rules applicable to them before the introduction of the New Scheme reduced by the pension equi

valent of the lump sum gratuity admissible under Section II of the New Scheme, and

- (iii) the pension equivalent will be determined on the basis of the commutation table applicable to the Government servant at the time of retirement

Note—The age next birthday after the date of retirement should be taken as the basis for calculation

2 The option provided at (c) in para 1 should be exercised before the 1st July, 1951, or before the date on which the officer retires from service, whichever date is earlier, provided that an officer who retired after the 17th April, 1950, or who may retire before the 1st March, 1951, may exercise the option not later than the 28th February 1951. The procedure for exercising the option will be the same as indicated in para 9 above. The option once exercised will be final. Officers who have already exercised an option under para 9 will be permitted to exercise a further option before the dates specified above

[G I M F No F 3(16) Est (Spl)/50, dated the 2nd January, 1951, as ended by Memo of even number dated the 21st February, 1951]

- (2) See Note 3 on page 153 below G I order (3) of Vol 1

(3) In case of officials who were in permanent Government service on the 30th September, 1938 and died after the 17th April 1950 without exercising any option, they should be deemed to have automatically come within the scope of the New Pension Rules and they would be governed by para 1(a) of Order No (1) above. As such their families cannot exercise a revised option under para 1(c) *ibid*

The pension cases of those officials who were in permanent Government service on the 30th September, 1938 but who expired after the 17th April, 1950 would require revision only if they had retired after the 17th April, 1950 without opting out of the New Rules and not otherwise

[D G & letter SPA 933 2/51 dated the 25th April, 1951]

(4) A doubt has been expressed as to whether the option in paragraph 1(b) of Order No (1) above has to be exercised before the 17th April, 1951. The position is that a Government servant of this category whether he has exercised an option under para 9 of these Rules or not can exercise any of the options in para 1 of Order No (1) above at any time before the 1st July, 1951 or the date of retirement, whichever is earlier. The New Pension Scheme will automatically apply to a Pre-1938 entrant so long as he does not elect any of the alternatives mentioned in clauses (b) and (c) of paragraph 1 of order No (1) above

[G I M F No F 2(10) Est (Spl)/51 dated the 3rd April, 1951]

(5) In connection with the assessment of "Qualifying Service" for the purpose of death cum retirement gratuity payable to persons exercising the option under para 1(c) of Government of India's order No. (1) above, a question has been raised as to whether the benefit of counting for pension half the continuous temporary service in terms of para 7 of these Rules is also admissible. Para 1 of Order No. (1) above makes it quite clear that for those who exercised the option under para 1(c) *ibid* the benefit of Sections II and III of these Rules is all that is admissible in lieu of which the amount of pension as calculated under the C.S.R. will be reduced by the pension equivalent of the gratuity. The concession of automatically adding half the continuous temporary service to qualifying service is not admissible in such cases. In other words for the purposes of death cum-retirement gratuity payable to the optees under para 1(c) *ibid* "Qualifying service" will be reckoned exclusively under the rules in the Civil Service Regulations in the same way as "qualifying service" for purposes of pension.

[GIMF, No. F 23(25) EV/51, dated the 17th November, 1951]

(6) An officer electing the alternative in paragraph 1(c) of the Government of India's order No. (1) above is eligible for a death-cum retirement gratuity under the New Pension Scheme subject to a reduction in his pension equal to the pension equivalent of the death-cum retirement gratuity payable. Where no pension is admissible under the old rules but only a service gratuity, the adjustments have to be made with reference to the service gratuity. The death cum-retirement gratuity is merely a lump sum payment in lieu of about a quarter of the pension which is surrendered. The gratuity, therefore, cannot, in any circumstances, exceed the commuted value of the total pension. Further, under the Central rules, an officer who was in permanent service on the 30th September, 1938 can alone opt for paragraph 1(c) *ibid*. Consequently the new pension rules having been introduced with effect from the 17th April, 1950, none of the Central Government servants opting for this alternative will have rendered service for less than ten years and none will be eligible for gratuity only instead of pension. If, however, such a case had at all arisen no adjustments with reference to the service gratuity would in fact have been made because the overall monetary effect remains the same in such cases and no purpose is served by splitting the total service gratuity into two elements of (i) gratuity proper reduced by the death cum-retirement gratuity, and (ii) the death-cum retirement gratuity. The contingent benefits like death gratuity and family pension would, however, be admissible in the case of such an officer in the usual manner in the event of his death. It may be added in this connection that the benefit of

counting for pension half the continuous temporary service rendered prior to confirmation is not admissible in the case of an officer opting for para 1(c)

[GIMF No F 24(35) EV/53 dated the 17th September 1953]

(7) A question has been raised as to how the rate of temporary increase in small pensions sanctioned in GIMF, No 8(5)-EV/57 dated the 9th June 1958 (G I Order No (1) on page 151 Vol I) should be regulated in the case of pensioners (who exercised the option provided under para 1(c) of G I Order No (1) above. It has been decided that in such cases the eligibility for and the rates of temporary increase should be determined with reference to the pension admissible under the rules in force on the 16th April 1950 reduced by the pension equivalent of the death-cum-retirement gratuity

[GIMF No 33(11) EV A 5, dated the 11th July 1959]

(8) As a result of implementation of the Pay Commission's recommendations both in respect of pension and pay, there has been appreciable enhancement in the pensionary benefits of Government servants governed by the provisions of the Liberalised Pension Rules. Although the provisions of the old Pension Rules have been liberalised yet in a number of cases it has been found that pension calculated under the Liberalised Pension Rules is more advantageous than the pension worked out under the Old Pension Rules as well as under para 1(c) of Order No (1) above.

Officers governed by the Old Pension Rules or para 1(c) of Order No (1) above were not offered an option to come over to the Liberalised Pension Rules as further liberalised in 1960

It has therefore, been decided that such officers who were in service or on leave preparatory to retirement on 22nd April, 1960 may be allowed to exercise a fresh option for the Liberalised Pension Rules as modified from time to time

The option should be exercised within a year from the date of issue of these orders and, once exercised, will be final. Failure to exercise a fresh option within the stipulated period will mean that the original option subsists. The option should be exercised in writing in duplicate and should be communicated by the Government servants concerned to the head of the office if he is a non-Gazetted officer and his Accounts Officer, if he is a Gazetted Officer. For this purpose a permanent non-gazetted servant officiating in a Gazetted post will exercise his option as a non-gazetted Government servant. The declaration when received from a non-gazetted Government servant, should be countersigned by the head of the office and pasted in the service book of the Government servant concerned. It will be the responsibility of the Government servant concerned to ensure that receipt of his de-

claration is acknowledged by the head of the office or the Accounts Officer, as the case may be, and that he receives an intimation that it has been duly recorded by the authority concerned

Administrative authorities are requested to take steps to bring the contents of this order to the notice of (i) all concerned persons employed under their administrative control, including those on leave preparatory to retirement or on foreign service and (ii) employees who retired on or after the 22nd April, 1960

[GIMF, No F 11(4) EV(A)/62, dated the 26th November, 1962]

(9) It has been decided that Government servants who retire after the 17th April, 1950, but before the 15th July 1950, may be permitted to exercise their option for the existing rules after the date of retirement not later than the 14th July, 1950 and that such option may be treated as valid for the purpose of Liberalised Pension Rule. In case of Government servants retiring on or after the 15th July, 1950 the option will be valid only if it is exercised before the date of retirement or the 17th April, 1951, whichever is earlier

[GIMF, No F 3(b) Est (Spl)/50, dated the 5th June, 1950]

(10) Class IV Government servants cannot be allowed to opt for the rules in force on the 16th April, 1950, hence they should be governed only by the New Pension Rules

[GIMF No MF (c) 26-II/51, dated the 2nd January, 1951]

(11) The option allowed in para 9 above was exercisable by those officers only who held a lien or a suspended lien on a pensionable post under the Government of India or a Provincial Government or a local fund administered by Government on the 30th September, 1938. An officer appointed on probation does not acquire a lien on a permanent post unless he is confirmed in that post. As such he holds no lien on a permanent post and therefore, is not entitled to exercise the requisite option

[GIMF No F 19(12) EV/55 dated the 12th October 1954]

Auditor General's Orders

(1) Para 1(c) of Government of India, Ministry of Finance, Office Memo No F 3(16) Est (Spl)/50, dated 2nd January, 1951 (Government of India's order No. (1) above) lays down that Government servants who were in permanent pensionable service on the 30th September, 1938 have the option of drawing pension, including additional pension, under the rules in force on the 16th April, 1950 reduced by the Pension equivalent of the gratuity admissible under the Liberalised Pension Scheme and receiving in lieu of this reduction the death-cum-retirement gratuity and

family pension benefits provided under the Scheme. In regard to the applications of these orders, a question was raised whether in the calculation of pension in such a case, pies are to be rounded off at each stage the gratuity or family pension is calculated or in the net amount of the pension admissible.

It has been decided with the concurrence of the Government of India, that the instructions contained in Article 468A CSR are equally applicable even in the types of cases referred to above and that pies should only be rounded off at the final stage of fixing the net amount of pension admissible, but kept intact at other intermediary stages of calculations.

[Cr & Ar Genl's letter No 74 Adm II/15-6 dated the 23rd January, 1952]

(2) A question arose whether an officer whose services were partly inferior and partly superior and who decided to count his whole service towards inferior grade under Art 398 CSR can elect in favour of para 1(c) of G1 Order No 1 above. The G1 have decided that as the officer was holding on the 30th September 1938 a pensionable post in Class III, it was within his right to retain his existing rules under para 9 of these rules. Consequently he could elect to come under para 1(c) *ibid*. Though these rules do not provide for an option to retain old rules in respect of pre-1938 entrants of class IV, it does not debar those who had been promoted to class III before the 17th April, 1950 from drawing their pension as for Class IV servants under old rules when they elect to do so under Art 398(a) CSR and have opted for old Rules.

[Cr & Ar Genl's UO No 1,3 1/13, 50 PT II dated the 26th February, 1952 received with C.I.M.F. UO No 308 EV/52 dated the 4th March 1952]

(3) The declarations of option received in the Accounts offices from the Gazetted Officers under the above para should be preserved for a period of five years after death or retirement whichever is earlier.

[Com & Ar Genl's letter No 7076 Adm I/29 51 dated the 11th August 1951]

SECTION VII—MISCELLANEOUS

10 (1) Government will have the right to effect recoveries from a gratuity or pension sanctioned under Sections II and III in the same circumstances as recoveries can be effected from an ordinary pension under Article 351A CSR. This will apply also in the case of officers who entered service before the 23rd February, 1939 and who do not exercise the option referred to in paragraph 9 above.

(2) No gratuity or pension may be granted under Sections II and III if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grant may, however, be made under those Sections in accordance with Article 353 C.S.R.

(3) A gratuity or pension shall be sanctioned under Sections II and III after giving due regard to the provisions of Article 170 C.S.R.

(4) The existing rules which apply to the grant of an ordinary pension will also apply in respect of a gratuity or pension that may be sanctioned under Sections II and III in so far as such rules are not inconsistent with the provisions of these orders.

Government of India's Orders

(1) Gratuity is not covered by the term 'pension' occurring in the Pensions Act, 1871, and therefore, does not enjoy the protection conferred by the various provisions of that Act. Attention is also invited to Finance Ministry's O.M. No. 20(5) EV/57, dated the 19th February, 1957 in which it was made clear that the death cum retirement gratuity admissible under the Liberalised Pension Rules is in the nature of a gift.

In view of the above consideration it has been held that it is permissible to make recovery of Government dues from the death cum retirement gratuity due in respect of any officer even without obtaining his consent, or without obtaining the consent of the members of his family in the case of the deceased officer, as the case may be.

[O.M.F. No. F. 51(13) EV/58 dated the 22nd September, 1955.]

(2) Death cum retirement gratuity is in the nature of gift and is not hit by the provisions of the Pensions Act. The non-liability to attachment is derived from the provisions of the Code of Civil Procedure. It is, therefore, possible for a Government servant who receives the gratuity to assign or transfer it after he has received it. But at any time before he actually receives it he has only a future claim and he cannot therefore transfer his right to receive the gratuity, if at all it can be called a right. Accordingly while it is possible to deduct from the death cum retirement gratuity any amount due by Government servant to an outside body like a co-operative society with his consent in writing, it can be done only after the gratuity is actually due for payment.

[Ministry of Law U.O. No. 17684/59 Adv(A) dated the 28th December 1959.]

(3) All departmental dues including pecuniary loss caused to Government shall be recouped from the death cum retirement

gratuity of the official, if the department is satisfied that the loss is due to the employee concerned and it may not grant death cum retirement gratuity to the extent of loss. In other words when the negligence of an official has led to losses to the department the gratuity can be withheld up to the amount of loss even though the officer had not been informed of it.

In such cases, it may be indicated in the sanction clearly, the amount of death cum retirement gratuity admissible a stated amount which may be deducted from the death cum retirement gratuity on account of departmental dues or loss sustained by Government due to negligence etc and the net amount of death cum retirement gratuity payable to the retired official

[DGP & T Letter No 4/53/60-Pen dated the 31st October, 1960]

(4) According to paragraph 10(3) of the Liberalised Pension Rules gratuity or pension shall be sanctioned after giving due regard to the provision of Article 470. The net amount of death gratuity payable is the amount permissible under paragraph 3(3) minus the amount which has to be reduced under the provision of this Article though this net amount becomes less than 12 months emoluments

[G.M.F. No F 19(21) EV/55 dated the 11th October 1955]

(5) Para 10(3) of these rules states that a gratuity or pension shall be sanctioned after giving due regard to the provisions of Article 470 of C.S.R. and to say that a doubt has been raised whether in a case where pension has been reduced as a measure of penalty a corresponding reduction should also be made automatically from the death cum retirement gratuity payable under the New Pension Rules

Under the New Pension Rules both the pension and death cum retirement gratuity or either of them can be reduced in terms of Art 470 C.S.R., it being left to the authority making the order of reduction to decide whether in an individual case pension or gratuity or both should be reduced. It is, therefore necessary that such an authority should express its intention in clear and unequivocal language. In other words where it is desired to reduce both the pension as well as gratuity by a percentage or by fixed amounts the intention should be specifically made clear in the orders to be passed, and where the orders issued provide specifically for a reduction in pension only, the gratuity will not be automatically reduced.

[G.M.F. No F 51(3) EV/58 dated the December 1958]

(6) (1) In the case of an officer subject to these pension rules Compassionate grant can be made on the basis of the maximum of 2/3rd of the invalid pension under these rules. Compassionate

grant should not be limited to 2/3rd invalid pension under these rules. The Compassionate grant admissible under Section I would automatically cease when a Government servant dies and will be replaced by Family Pension under Section III Para 5(2) (b).

[GIMF, File No F 4(1) EV/53]

11 The following orders have been issued in respect of other recommendations of the Central Pay Commission —

(a) The recommendation that no change is required in the rules relating to commutation of 'emoluments' and 'average emoluments', for the purposes of pension has been accepted.

(b) The recommendations that it is not necessary to prescribe a minimum limit on pension, has been accepted.

(c) The recommendation that no modification is required in the Extraordinary Pension Rules, has been accepted.

(d) The recommendation that the concession admissible under Art 404A C.S.R. should be extended to officers recruited on or after 8th July, 1937 has not been accepted.

12. These orders will take immediate effect and will also apply to officers who are on leave preparatory to retirement on the date of issue of these orders. Immediate steps should be taken to bring the contents of these orders to the notice of all concerned and particularly officers on leave preparatory to retirement.

13 These orders will not apply to officers of the IAS and IPS.

Government of India's orders

(1) The following instructions are issued in clarification or amplification of the New Pension Scheme which will be interpreted in the sense of the present instructions from the 17th April, 1950.

(i) PAYMENT OF PENSION AND GRATUITY OUTSIDE INDIA

The privileged minimum rate of exchange of 1sh 9d to the rupee admissible to certain Government servants under Art. 934 and other connected Articles of the C.S.R. will continue to be admissible to them in respect of ordinary pensions under the New Scheme. This minimum rate is however, not admissible in respect of the death cum retirement gratuity and family pension which may be sanctioned under that scheme.

(ii) APPLICABILITY OF THE NEW PENSION SCHEME TO SECRETARY OF STATE'S OFFICERS

The New Pension Scheme is not applicable to officers who having been appointed by the Secretary of State or Secretary of

State in Council to a civil service of the Crown in India, continue to serve under the Government of India or the Government of State after the 14th August, 1947

(u) TEMPORARY INCREASE IN SMALL PENSIONS

The temporary increase in small pensions sanctioned in the Finance Department Notification No F 1(22) W 11/45/dated the 26th May, 1945 (see bottom of page 151 of Vol I) will be admissible on ordinary pensions sanctioned under the New Pension Scheme and will be based on the amount of such pensions. These increases will not be admissible to the family pensions which may be sanctioned under that scheme

(v) CALCULATION OF FAMILY PENSION IN CASES WHERE AN OFFICER HAS COMMUTED A PORTION OF HIS PENSION

Under the last sentence of para 5(2) of these Rules if an officer has already commuted a part of his pension, the uncommuted value of that part of pension has to be deducted from the family pension as calculated under the earlier provisions of the sub para. The intention is that the amount of family pension should first be calculated ignoring the fact that the officer has commuted a portion of his ordinary pension and from the amount so arrived at the amount of pension commuted should be deducted. For example if the ordinary pension was Rs 90 pm and the officer had commuted Rs 30 out of this the family pension would be $(90-30) \times 7/15$ pm

2

(vi) CONDONATION OF INTERRUPTIONS IN TEMPORARY SERVICE

Under paragraph 7 of these Rules all the temporary service counts for pension if it is continuous and is followed by confirmation in a permanent pensionable post. If the temporary service is interrupted, the interruption should not be condoned under Art 422 C.S.R. with a view to conferring on the Government servant a larger benefit than is contemplated under these Rules

(vii) CONDONATION OF DEFICIENCIES IN QUALIFYING SERVICE

Under paragraph 3(2) and 5(1) of these Rules the minimum qualifying service required for eligibility to death gratuity and family pension is five years and twenty five (now 20) years respectively. In cases where the qualifying service is less than the prescribed minimum, the deficiency should not be condoned by invoking the provisions of Art 423(1) C.S.R. In other cases the powers conferred under this Article should be restricted to ensure

that where the benefit is given, it is given only to low paid employees proceeding on invalid or compensation pension

Note—Government of India have decided that the expression low paid employees should be interpreted to mean employees whose pay (including all elements of the nature of pay) at the time of retirement did not or does not exceed Rs 200 per mensem

[GIMF No F 24(11) EV/53 dated the 12th May 1953]

(GIMF, No F 3(31) Est. (Spl)/50, dated the 16th February 1951)

A question was raised that in view of the fact that the deficiency in Government qualifying service can be condoned under the Liberalised Pension Rules in a case where the Government servant retires on invalid or compensation pension, there is no reason why the same benefit should not be allowed where the qualifying service is less than the minimum of five or twenty five years (now 20 years) prescribed for the eligibility for death cum retirement gratuity and family pension in order to make up the prescribed minimum service

The Government of India explained that the benefit of death cum retirement gratuity and family pension provided in the old pension rules scheme are really new concessions which were not contained in the old pension rules in the CSR. The minimum service of eligibility for these concessions was prescribed on the specific recommendation of the Central Pay Commission and once these minimum were fixed it was considered inappropriate to lower them further indirectly by allowing benefits like condonation of deficiency etc. The restriction in regard to condonation was, therefore, deliberately imposed with the object of limiting the new benefits to cases for which they were really intended and the Government of India consider that by imposing this restriction they have not taken away any benefit which the Central Pay Commission intended to confer on any category of Government servants

Where however the minimum qualifying service for the eligibility for death cum retirement gratuity and family pension has been rendered the question of condonation would stand on a different footing. In such cases, subject to certain conditions, condonation was allowed even under the old rules in the case of Government servants retiring on invalid or compensation pension. The same concession has merely been retained under the New Pension Scheme by making a specific provision in this behalf in GIMF Memorandum No F 3(3)31 Est. (Spl) 50, dated the 16th February, 1951 (order (1) above). No new distinction has however, been introduced between those who retire on invalid or compensation pension and those who die prematurely while in service. In fact,

the real distinction that has been drawn is between those who have rendered the prescribed minimum service for death benefits and those who have been not, the idea being that the death benefit should not become admissible to the family of a deceased officer, by condonation of any deficiency in his qualifying service, if other wise such service was sufficient to qualify for those benefits

G.I.M.F. No F 3(3) EV 54 dated the 24th April 1954]

Sub-paragraph (vi) of the Government of India, Ministry of Finance, Office Memorandum No F 3(31)-Est. (Spl)/50, dated the 16th February 1951 (order No (1) above) specially prohibits in any circumstances the condonation of a deficiency in the minimum qualifying service which has to be rendered before a Government servant becomes eligible for a death cum retirement gratuity or a family pension. The purport of the words, "In other cases" in that sub paragraph is that the condition under Art 423, C.S.R. is permissible only in the type of cases of Government servants mentioned therein who have rendered not less than the minimum qualifying service prescribed in paragraphs 3(2) and 5(1) of these Rules. The intention is to apply the same principle in all cases of condonation of deficiency in qualifying service, whether under Article 423(1) or 423(2) C.S.R. Since, however, the powers of condonation under Article 423(2) can be exercised only by the Finance Ministry of the Government of India or by the Finance Department of the State Government it was not considered necessary to refer specifically to Art 423(2) in sub-paragraph (vi) of Memorandum No F 3(31)-Est. (Spl)/50, dated the 16th February 1951 (order No (1) above) referred to above

In view of the position explained in paragraph 1 above the Government of India consider that there should be no difficulty in dealing with cases of Government servants who have exercised option (c) in para 1 of Government of India's order No (1) below para 9 of the Rules. When once a deficiency is condoned, the total qualifying service to be taken in account for all purposes i.e. whether for gratuity or family pension, is the total service reckoned after (and not before) the condonation.

[G.I.M.F. No F 34(33) EV/52, dated the 24th July 1952]

(12) It has also been decided that the procedure for application, sanction and payment of death-cum retirement gratuity and family pensions will be as follows:—

DEATH-CUM RETIREMENT GRATUITY

(a) When the gratuity is payable to a Government servant on his retirement—An application for the gratuity should be made

in the same form as that for pension i.e. CSR Form 25 For this purpose the Form may be modified as follows —

(i) In the First Page,—

(1) for the heading 'Application for Pension or Gratuity' substitute the words 'Application for Pension or Gratuity and Death cum retirement Gratuity'

(2) after item 12 add a new item "12A, Proposed death cum retirement gratuity"

(ii) in the Third Page,—

(1) against item 6, after the word 'Pension' add the words and death cum retirement gratuity"

(2) for the first sub para of the certificate and report of the Accountant General, the following sub para shall be substituted in the case of persons other than those who have exercised the option provided in clause (b) of para 2 of the Finance Ministry's Office Memorandum No F 3(16) Est (Spl)/50, dated the 2nd January, 1951 (order No (1) below para 9) 'Certified that (subject to the remarks recorded below) qualifying service in inferior or superior grades has been duly proved for _____ years months _____ days, and that a pension or gratuity and death cum retirement gratuity not exceeding Rs _____ a month and Rs _____ in lump sum respectively are admissible under Article _____ of the Civil Service Regulations and Government of India, Ministry of Finance Office Memorandum No F 3 (1) Est (Spl)/47 dated the 17th April, 1950/ clause (c) of paragraph 1 of Government of India, Ministry of Finance, Office Memorandum No F 3(16) Est (Spl)/50 dated the 2nd January, 1951 (order No (1) below para 9) The calculations have been duly verified The pension or gratuity and death cum retirement gratuity are chargeable to _____ and will commence from _____, 19 ____'

† The alternative not applicable should be omitted)

(iii) In the Fourth Page (Docket)—

(1) For the heading "Application for Pension or Gratuity" substitute 'Application for Pension or Gratuity and Death cum Retirement Gratuity'

(2) After the item 'Amount of gratuity sanctioned' insert a new item 'Amount of death cum retirement gratuity sanctioned'

On the receipt of the certificate of the Accountant General on the Third page of the form the competent authority who will be the same as the authority competent to sanction the pension of the Government servant concerned, may formally sanction the gratuity The payment will then be made in accordance with the

provisions of Rule 366 of the *Treasury Rules of the Central Government*. If the Government servant dies before receiving payment, the amount will be payable to his legal heirs and the payment will be made only to the person who produces the legal authority.

(b) *When the gratuity is payable to the nominee or legal heirs of the Government servant who dies while in service*—If the Government servant has executed a nomination in the prescribed form and the nomination subsists, the Head of the Office/Department should, on receipt of the death report of the Government servant, draw a statement of his services in the Second page of Form 25. If there is no nomination, or if the nomination does not subsist, the gratuity is payable only to the legal heirs of the deceased and in such cases the Head of the Office/Department need draw up the statement of services only on receipt of an application for the gratuity from or on behalf of the legal heirs supported by legal authority. The statement of services along with the provisional recommendations of the competent authority as to the amount of gratuity proposed to be paid (and the name and address of the person to whom it is to be paid together with the nomination form, in the case of a non gazetted officer) shall be forwarded to the Accountant-General for verification. After obtaining the certificate of verification (and ascertaining from the Accountant General the details as to the nominee or nominees if the deceased is a gazetted officer) formal sanction to the payment of the gratuity may be accorded by competent authority. The sanction should indicate the name, address and the relationship to the deceased Government servant of the person or persons to whom the gratuity is to be paid and the amount to be paid to each of them. The Accountant General will then arrange for the disbursement of the amounts in the same way as General Provident Fund balances.

Note 1.—This paragraph indicates, the procedure for sanctioning payment of gratuity which is payable to the legal heirs of a Government servant who dies while in service. It was emphasised that in cases where the prescribed nominations were not executed or nomination made did not subsist at the time the gratuity became payable the payment could be made only to the legal heirs on production of legal authority. It has been brought to the notice of the Government of India that there have been several cases in which Government servants died without executing the prescribed nominations and it has been represented that the need for producing legal authority in such cases causes great inconvenience and entails delay in the settlement of the claims. It has also been urged that in cases where the amount of gratuity is small, the expenditure required to be incurred on obtaining the requisite legal authority is comparatively high. Taking all these factors into account the Government of India consider that some measure of relief might be extended in the case of low paid Government servants, especially Class IV, who are generally illiterate and whose dependents are put to expenditure and trouble in obtaining a legal title. It has therefore, been decided that the death cum retirement gratuity claimed on behalf of a deceased

Government servant may be paid without the production of the usual legal authority to the extent of Rs 1,000 (Rupees one thousand only) under the orders of the authority competent to sanction the pension of the Government servant, on the execution of an Indemnity bond with such sureties as he may require, if he is satisfied of the right and title of the claimant and considers that an undue delay and hardship would be caused by insisting on the production of the usual legal authority. In any case of doubt, payment should be made only to the person producing such authority. These orders will apply only to cases in which gratuity becomes payable before the 31st December, 1952 and in which no nomination subsists.

The Ministry of Home Affairs/etc are required to advise all Government servants employed under them, and in their attached and subordinate offices, that in the interest of the members of their families, they should immediately execute the prescribed nominations. It is suggested that action may be taken to ensure that the urgency as well as the importance of making nominations are explained to and impressed upon the low paid staff especially Class IV employees.

[G.O.M.F., No P. 24(11) EV/52, dated the 23rd May, 1952]

Note 2. It has been decided in modification of the orders contained in Note (1) above that the payment of death-cum retirement gratuity up to the extent of Rs 3,000 may henceforth be made without the production of a legal authority but subject to the safeguards provided for in the aforesaid note.

[G.O.M.F., No P 19(7) EV/54, dated the 8th June, 1954]

Note 3. Sub paragraphs (b) and (c) of this order require that in cases where there was no nomination or where the nomination made did not subsist, the death-cum retirement gratuity or the residuary gratuity admissible under para 3(4) of these Rules was payable only to the legal heirs of the deceased and that in such cases the Head of the Office/Department need draw up the statement of service only on receipt of an application for the gratuity from or on behalf of the legal heirs supported by legal authority. Similarly, in cases involving payment of the family pension, in the absence of a nominee, to a person mentioned in paragraph 5 of these Rules it was prescribed in paragraph (d) of this order that the Head of the Office/Department should take the requisite action on receipt of an application in the prescribed form from such a person. Thus, as the orders stand at present the initiative for claiming the death-cum retirement residuary gratuity has to emanate from the legal heirs of the deceased and for claiming a family pension, from the person entitled to receive such pension.

It has been pointed out that the beneficiaries in certain cases might not be aware of the benefit admissible in them under the New Pension Scheme and cases may therefore, arise in which these benefits may not be claimed at all. The Government of India consider it very important that the beneficiaries are made aware of their rights. In order therefore, to ensure that this is done, it has been decided in consultation with the Comptroller and Auditor General, that on receipt of the death report in respect of a Government servant an intimation in the enclosed form shall be sent by the Head of the Office/Department to the person to whom arrears of pay etc. in respect of the deceased are paid or are payable under rule 24 of the Treasury Rules. In the case of a pensioner, however, the necessary intimation shall, on receipt of the death report, be sent by the Treasury Officer concerned to the person to whom arrears of pension are paid or are payable under rule 170 of the Treasury Rules. The intimation about the death of a pensioner shall also be simultaneously communicated by the Treasury Officer to the Head of the Office/Department, along with a statement of pension to be paid in order to enable him to take further action in the matter.

The usual action prescribed in this order, should be taken on receipt of a formal claim from the parties concerned supported by the requisite legal authority.

[C I M F, No F 24(27)EV/53, dated the 27th July, 1953]

ANNEXURE

Mr/Mrs/Miss _____ is informed that a death cum retirement gratuity/residuary gratuity/family pension is payable to the late Mr/Mrs/Miss _____ of _____ in terms of the Finance Ministry Office (Address)

Memorandum No F 3(1) Est (Spl) 47 dated the 17th April 1950 as amended from time to time. It is requested that a formal claim for death-cum retirement gratuity/residuary gratuity may be submitted by his/her legal heirs supported by family pension _____ a member of his/her family in the a success on certificate to the _____ (designation and address of the

enclosed Form F

sanctioning authority) for necessary action

NOTE 4 The order contained herein will apply mutatis mutandis to cases where the payment of death-cum retirement gratuity is to be made to the heirs of an officer who dies after retirement but before receiving the amount of death cum retirement gratuity

[C I M F No F 19(7)EV/54 dated the 3rd February, 1955]

(c) When the gratuity is payable under para 3(4) of these Rules in such a case the service of the Government servant would have been verified and in other respects the procedure indicated in sub paragraph (b) may be followed

FAMILY PENSION

(d) Two types of cases may arise in connection with family pension, namely, cases where the pension is payable in accordance with the nomination executed by the Government servant/pensioner and cases where it is payable to the person mentioned in paragraph 5(5) of these Rules. Where the pension is payable in the order mentioned in the nomination, on receipt of the death report of the Government servant/pensioner, the Head of the Office/Department should direct the nominee to submit an application in Form F of these Rules. If there is no such nominee, and application in Form F is received from a person mentioned in paragraph 5(5) of these Rules, the Head of the Office/Department may make such enquiries as may be necessary, to ascertain that the pension is not payable to any other person mentioned in the aforesaid paragraph. If the applicant is a person mentioned in clause (b) of paragraph 5(5) *ibid*, the Head of the Office/Department should satisfy himself that the applicant was dependent on the Government servant/pensioner for support after making such enquiries as may be necessary. The Head of the Office/Department should then arrange for verification of the Government servant's service in the manner indicated in paragraph (b) of this order and should determine the amount of family pension.

After the Accountant General concerned has applied the necessary check and certified as to the admissibility of family pension the competent authority who will be the same as the authority competent to sanction the pension of the deceased Government servant may accord formal sanction to the payment of the pension. The sanction should indicate the name of the person to whom the pension is payable and also the period upto which it is payable. On receipt of the sanction the Accountant General will issue the family pension payment order for the specified period indicating the event, if any, on the happening of which the payment should be stopped. In the matter of identification of the receipt of the family pension, the Treasury Officer will exercise the checks prescribed in Rules 329, 367 and 368 of the Treasury Rules of the Central Government and in other respects he shall follow the provisions of Chapter VI of Part V of those rules in so far as they relate to the payment of service pensions. If the person to whom a family pension has been sanctioned dies or becomes ineligible for the pension before the expiry of the period for which the pension is otherwise admissible, the pension may be regranted to the next person eligible to receive it for the unexpired portion of that period and the foregoing procedure should be followed in such cases also. If a family pension is payable to a minor and at the time of sanctioning the pension he has a regularly appointed guardian the pension may be sanctioned as payable through such guardian, and in such cases a descriptive roll (in duplicate) of the person who may be authorised to receive payment should accompany the application in Form F. Otherwise, it will be paid in accordance with Rule 343 of the Treasury Rules.

ANTICIPATORY PAYMENTS

(c) When a Government servant whose death cum retirement gratuity is payable in India is likely to retire before the amount of the gratuity can be finally assessed and settled in accordance with the procedure mentioned above the Audit Officer may sanction the disbursement of not more than three fourths of the amount of gratuity to which after the most careful summary investigation that he can make without delay he believes the Government servant to be entitled on the basis of his continuous temporary and permanent service. In the event of death of the Government servant, similar payment of gratuity may also be authorised in the appropriate proportion to the nominees or in a case of no nomination to the member/members of his family in accordance with the relevant orders issued from time to time as the case may be. In all cases the anticipatory payment of death-cum retirement gratuity should be made after the recipient has executed a declaration in Form G.

NOTE—Inquiries have been received from certain quarters whether anticipatory family pension could also be disbursed like other ordinary pensions in the manner indicated in Art 922 CSR. It has been decided after careful consideration and in consultation with the Comptroller and Auditor General that anticipatory family pension may be paid only when the Audit Officer is satisfied that qualifying service as verified up to the date of sanction to such pension does not exceed three fourths of the amount admissible on the basis of service verified up to the date of sanction.

[GIMF No F 20(15) LV/56 dated the 6th July, 1956]

[GIMF No F 3(9) Est (Spl)/50 dated the 21st June 1951 as amended vide No F 3(6) FV/61 dated the 14th March 1961]

(3) (See Government of India's orders No (5) and (6) below Art 521 on page 346 Volume I)

(4) The following instructions are issued in clarification of amplification of the New Pension Scheme contained in these Rules which will be interpreted in the sense of the present instructions from the 17th April, 1950

(i) Except when the term pension is used in contradistinction to Death-cum retirement gratuity, *pension* includes Death-cum retirement gratuity

(ii) Under paragraph 7 of these Rules, half the continuous temporary service under the Government of India, rendered after a Government servant has attained the minimum qualifying age if followed by confirmation in a pensionable post, will count as qualifying service. For the purpose of this concession the last stretch of temporary service under the Government of India immediately preceding the date of confirmation and limited by the date of attainment of qualifying age, should be taken. From this period periods which count as qualifying service under the provisions of Arts 370 and 371 CSR, as well as periods of extra ordinary leave should be omitted. The remaining spell should then be added up and half this period will be counted as qualifying service. In view of this concession, no further concession under Art 361A CSR will be allowed to persons governed by the New Pension Scheme

(iii) *Commutation of pensions*—Except for the restriction about the maximum amount of pension which can be commuted under Section V of these Rules the other restrictions in rules 3 and 4 of the Civil Pension (Commutation) Rules (see Appendix XI) continue to apply

(iv) *Death-cum retirement gratuity*—The residuary gratuity mentioned in sub-paragraph 3(4) of these Rules is admissible only if the death of the Government servant takes place within five years from the date of his retirement.

(v) *Applicability of New Pension Scheme to persons who held a lien or suspended lien on a permanent pensionable post under a Provincial Government on the 30th September 1938 serving under the Government of India*—Such Government servants if they did not hold a lien or a suspended lien on a permanent pensionable post under the Government of India on the 17th April 1950 will continue to be governed by the pension rules applicable to them under the Provincial Government or Local Fund concerned until their confirmation in a post under the Government of India.

NOTE—This order does not apply to former Government servants of Provincial Governments and Local Funds now in Pakistan whether permanent or temporary who have since migrated to India and found employment under the Government of India. Whether or not the previous service of this category of Government servants will count for pension and if so to what extent will be regulated by separate orders. (See G.O. order No. (7) on page 316 Vol. I)

(vi) *Application for pension and death-cum-retirement gratuity*—According to the Note below Art. 911 C.S.R. each pensioner is required to give a certificate of non-receipt of gratuity in respect of the service for which the pension or gratuity may be claimed. In view of the introduction of the death-cum-retirement gratuity scheme, the certificate should be amplified in the case of persons eligible for such gratuity by the addition of the words 'or death-cum-retirement' and 'death-cum-retirement gratuity' after the word 'gratuity' occurring for the first and second time respectively in the certificate.

G.O. No. F. 23(45) EV/51 dated the 26th November 1951.]

(5) The following further orders have been issued regarding the New Pension Rules—

(i) *Temporary service allowed to count towards pension*—Temporary service for the purpose of the concession in paragraph 7 in Section IV of these Rules includes all continuous service in a temporary post in a pensionable establishment and officiating service in a permanent post in a pensionable establishment. No portion of temporary or officiating service rendered in a non-pensionable post or in a work-charged establishment or in a post paid from contingencies will count for pension under the New Pension Scheme. If, however, such service falls between two periods of temporary service rendered in a pensionable establishment or between a period of temporary service and permanent service in a pensionable establishment, it will not constitute an interruption of service for the purpose of the New Pension Scheme. In such a case half of the earlier temporary service will count for pension in terms of paragraph 7 in Section IV of these Rules, but the actual period of service rendered in a non-pensionable establishment etc., will not count for pension.

(ii) *Payment of anticipatory death-cum retirement gratuity in the United Kingdom.*—When an officer whose death-cum-retirement gratuity is payable in the United Kingdom is likely to retire before the amount of the gratuity is finally assessed and settled in accordance with prescribed procedure, the Audit Officer may, after the most careful 'summary' investigation that he can make without delay, report to the High Commissioner for India through the authority competent to sanction the gratuity, an amount equal to three-fourths of the amount of gratuity which he believes the officer to be entitled to on the basis of the permanent service alone. The High Commissioner will then, at discretion, sanction the immediate disbursement of the amount reported or such smaller sum as may be deemed proper. Similar payments of gratuity may also be allowed in the appropriate proportion to the nominees or the legal heirs who produce the usual legal authority in the event of the death of the Government servant. In all cases, the anticipatory payment of death-cum-retirement gratuity should be made after the recipient has executed a declaration in the standard Form G.

(iii) *Inclusion of 'adopted children' in the definition of family*—An adopted son or an adopted daughter may be treated as son or daughter and be included in the definition of 'family' under the New Pension rules when the Audit Officer, or if any doubt arises in the mind of the Audit Officer, the Ministry of Law is satisfied that under the personal law of the Government servant, adoption is legally recognised as conferring the status of a natural child, but not otherwise.

NOTE 1 Sub para (iii) of this order provides that an adopted son or an adopted daughter may be included in the definition of 'family' under the New Pension rules when the Audit Officer, or if any doubt arises in the mind of the Audit Officer, the Ministry of Law is satisfied that under the personal law of the Government servant, adoption is legally recognised as conferring the status of a natural child, but not otherwise. It has been represented that since under rule 4(8) of these Rules, the nominations made by non gazetted officers are to be sent to the head of the office who shall counter-sign them and keep them under his custody, it will not be feasible for the Audit Officer to check such nominations in favour of adopted children made by non gazetted Government servants. It has accordingly been decided that the necessary check in so far as non gazetted Government servants are concerned will be exercised by the head of the office concerned who may, in case of doubt, refer freely for advice to the Audit officer who may in turn consult the Solicitor to the Government of India if necessary.

[G.I.M.T. No F 19(18) LV/54, dated the 1st June, 1954.]

NOTE 2 A doubt has been expressed whether the calculation of death cum retirement gratuity as per illustration given in para 1(v)(c) of this order is applicable in the case of Government servants who elect clause (a) Art 308 C.S.R. The correct position is that the entire spell of service, falling under clause (a) of Art 308 C.S.R. is treated as uniform and the pension and gratuity is determined with reference to the pay last drawn by the Government servant and the illustra-

tion does not apply to such cases. It refers only to cases falling under clause (b) of Art 398 C.S.R.

[G.I.M.F., No F 19(14) EV/55, dated the 12th July 1955]

NOTE 3 Orders contained in Note (2) above do not give any revised interpretation but are clarificatory in nature in that they make it explicit that the illustration given in para 1(v)(c) below about the reckoning of death cum retirement gratuity is not applicable in the case of a Government servant who has elected clause (4) of Art 398 C.S.R. The order of the 13th October, 1953 was also, by itself, clarificatory in that it should be deemed as and in fact is complementary to the provisions of Art 398 C.S.R. In the circumstances explained, the question whether the Note (2) above takes effect from the date of issue does not arise.

Past cases already disposed of in accordance with the illustration given in para 1(v)(c) below should therefore, be reopened and death cum retirement gratuity already sanctioned before the issue of the orders in Note (2) above should be revised. Similar action should also be taken in respect of pensions, if any, wrongly calculated as a result of the application of the above mentioned orders of the 13th October, 1953, but the revised pension should be payable only from the 1st August, 1955. No recovery for past payments of pensions and death cum retirement gratuity need be made.

[G.I.M.F., No F 19(14) EV/55, dated the 2nd December 1955]

(iv) *Scrutiny of legal authority for the payment of death gratuity* In respect of any sum payable as death gratuity to the legal heir/heirs of a deceased Government servant or a deceased pensioner, it will be the responsibility of the sanctioning authority to satisfy itself that the person/persons claiming the payment is/are the legal heir/heirs and possess the necessary legal authority e.g. valid succession certificate. The Audit officer will, on receipt of the necessary legal authority from the sanctioning authority, satisfy himself that the legal authority is in favour of the person/persons named by the sanctioning authority proceeding further with the case. The disbursing officer will be responsible only for the identification of the person/persons to whom payment is authorised.

For granting a succession certificate to a person in respect of death cum retirement gratuity due to a deceased Government servant the court usually asks for the exact amount payable to be stated. This is necessary to determine the court fee stamp duty to be levied. In these circumstances, the legal heir/heirs should be informed of the exact amount of the death-cum retirement gratuity payable to him/them after ascertaining it from the Audit officer.

(v) *Gratuity and pension for service rendered partly in inferior and partly in superior grades —*

- (a) The New Pension rules do not affect the right of an officer who has rendered service partly in the inferior and partly in the superior grades to exercise the option under Art 398 CSR. If however, an officer dies without exercising the option allowed by that Article, the family of the deceased Government servant will be allowed pension and /or gratuity either under clause (a) or under clause (b) of Art 398, CSR, whichever is more advantageous
- (b) Such an officer who had the right to exercise the option under paragraph 9 in Section VI of these Rules as modified by paragraph 1 of Government of India's order No (1) below para 9 in these Rules (see page 381) will have his pension and gratuity at the superior scale reckoned in terms of that option under any of the alternatives provided in paragraph 1 of that order. His pension and gratuity on the inferior scale will, however, be reckoned only with reference to the New Pension Rules
- (c) The criterion for determining eligibility for death cum retirement gratuity or family pension will be five or twenty five years (now 20) of qualifying service, as the case may be irrespective of the fact that the service was rendered partly in inferior and partly in superior grades. In such cases however, the death cum retirement gratuity will be limited to the maximum of fifteen times the emoluments drawn in the superior post immediately before retirement as shown in the example below —

For a total qualifying service of forty years, of which five years are in the inferior grade, the 'emoluments' being Rs 14 and Rs 46 per month in the inferior and superior grades, respectively the gratuity will be $\text{Rs } 35 \times 9 \times 46 + \frac{20}{20}$

$\text{Rs } 5 \times 9 \times 14 = \text{Rs } 756$, but limited to Rs 690 only i.e. fifteen times of Rs 46

NOTE — Those who elect clause (a) of Art 398 the entire spell of service falling under that clause is treated as inferior and the pension and gratuity is determined with reference to the pay last drawn

- (d) Where an officer dies while in services or soon after retirement and minimum of twelve times the 'emoluments' becomes payable in respect of him as death gratuity, such minimum will be determined as twelve times the "emoluments" drawn by the officer immediately before his death or retirement irrespective of the fact that he rendered service in an inferior grade on a lesser pay earlier

(vi) *Family Pension in respect of an officer, who dies while in service.*—Family pension in respect of an officer who elects the alternative in clause (c) of paragraph 1 of Government of India's order No (1) below para 9 of these Rules shall be calculated at half of the difference between the superannuation pension admissible under the existing rules in the Civil Service Regulations as if he had retired on such pension on the date following the date of his death and the pension equivalent of the death gratuity payable, subject to a maximum of Rs 150 per mensem. The "pension equivalent", of the death gratuity for the purpose will be determined on the basis of a commutation table with reference to the actual age next birthday at the time of death.

[GIMF No 24(39) EV/53, dated the 13th October, 1953]

(6) It has been brought to the notice of the Government of India that in the absence of clear instructions in regard to preservation of records relating to cases governed by the Liberalised Pension Rules, the authorities responsible for keeping Nomination Forms etc are experiencing difficulty in regard to the period up to which such documents are to be preserved by them. The Government of India have, therefore, decided in consultation with the Comptroller and Auditor General that —

(i) Pension cases should be preserved for a period of 7 years after retirement/death in service of the Government servant, as the case may be, in all cases

(ii) The Annual Establishment Return (Book of Establishment) should be preserved for 40 years

(iii) The nominations, whether these relate to Gazetted or non-Government servants, should be preserved as follows —

(a) If the gratuity and family pension are paid to minors
30 years

(b) To other than minors

(i) not in accordance with the order in which nominations have been made 30 years

(ii) in accordance with the order in which nomination has been made 6 years

After the payment of Death-cum retirement gratuity or the last instalment of the family pension has been paid

The Comptroller and Auditor General has already issued necessary instructions in this regard to Accounts and Audit Officers

[GIMF No F 25(32)/EV/56 dated the 16th November, 1956]

Auditor General's orders—In view of the Government of India order embodied in order No (5) below this para, the report on the claim for death cum retirement gratuity in respect of a deceased Government pensioner may be submitted into two stages, an intimation of the amount of death cum retirement gratuity admissible and again a report on the claim after receipt of the succession certificate and other documents from the sanctioning authority

[Cr & Ar Genl : No 1278-GE/158 53 dated the 10th March, 1954]

FORMS

FORM A

See Schedule D on page 66

FORM B

See Schedule E in page 67

FORM C

See Schedule F on page 68

FORM D

See Schedule G on Page 69

FORM E

See Schedule H on page 69

Below each form the following may be added

(To be filled in by the Head of Office in the case of a non gazetted officer)

Nomination by_____

Designation_____

Office_____

Signature of

Head of Office_____

Date_____

Designation_____

Proforma for acknowledging the receipt of the Nomination Form by the Head of Office/Audit Officer

To

In acknowledging the receipt of your nomination dated /
cancellation dated , , . of the nomination made earlier, in
respect of D C R C. in Form——— I am to state that they have

Family Pension
been duly placed on record

Signature of Head of Office
Audit Officer

Dated———

(Designation)

† FORM F

Application for a family pension for the family of Shri
late a —— in the Office/Department/
Ministry of

- 1 Name of the applicant
- 2 Relationship to the deceased Govern-
ment servant/pensioner
- 3 Date of retirement if the deceased was a
pensioner
- 4 Date of death of the Government ser-
vant/pensioner
- 5 The order in which the applicant's name
appears in the nomination form "E"
- 6 Name and ages of surviving kindred of
the deceased—

Date of birth
(by Christian era)

Name

(a) Widows/busband

Sons

Unmarried daughters

(b) Father

Mother

Brothers

Unmarried sisters

Widowed sisters

† Forms F and G have been standardised as S 218 and S 219 respectively
vide G I M F Memo No. F 24(16) EV/52, dated the 23rd December, 1952

- 7 Name of Treasury/Sub treasury at which payment is desired
- 8 Descriptive roll of widow/son/daughter/ etc of late
- (i) Date of birth (by Christian era)
- (ii) Height
- (iii) Personal marks if any on the hand face etc
- (iv) Signature of left hand thumb and finger impressions
- | | | | | |
|-----------------|----------------|------------------|-----------------|-------|
| Small
finger | Ring
finger | Middle
finger | Index
finger | Thumb |
|-----------------|----------------|------------------|-----------------|-------|

9 Full address of applicant

Attested by

Witnesses

(1)

(1)

(2)

(2)

Note 1—The descriptive roll and signature/thumb and finger impressions accompanying application for family pension should be in duplicate and attested by two or more persons of respectability in the town village or paragona in which the applicant resides.

Note 2—If the applicant belonging to a category mentioned in item 6 (b) he shall furnish proof of his dependence on the deceased Government servant pensioner for support.

Note 3—If the applicant is a minor brother of the Government servant/pensioner the Government servant/pensioner should be supported by a certificate of age (personal with the attested copies) showing the date of birth of the applicant. The original will be returned to the applicant for the necessary verification.

FORM G

See Schedule I on page 70

FORM H

Application for the grant of death cum retirement gratuity/
residuary gratuity to the family of Shri/Shrimati
late _____ in the Office/Department/Ministry
of _____

- 1 Name of applicant
- 2 Relationship to deceased Government servant/pensioner
- 3 Date of birth
- 4 Date of retirement if the deceased was a pensioner
- 5 Date of death of the Government servant/pensioner

6. Name of the Treasury/Sub-Treasury at which payment is desired.
7. Full address of the applicant.
8. Signature and thumb impress on of the applicant
9. † Attested by
 - (i)
 - (ii)

10 Witnesses

Name	Full address	Signature.
(i)		
(ii)		

[GIMLF, No F 7(6) EV/58, dated the 5th March, 1959]

Instructions regarding Nominations for Death cum Retirement Gratuity and family pension.

1—DEATH-CUM RETIREMENT GRATUITY

Eligibility.—It is compulsory for every Government servant borne on the pensionable establishment to make a nomination in one of the Forms A, B, C, or D, as the case may be

[Sub-para 6 of para 4]

If at the time of making the nomination, the officer has a family, the nomination shall not be in favour of any person or persons other than the members of his family

[Sub-para 2 of para 4]

Where the officer has no family, the nomination can be made in favour of a person or persons, or a body of persons, corporate or incorporate

[G I order No (11) below para 4]

2 *Definition of family.*—The family of a Government servant for the purpose of making nominations in respect of death cum-retirement gratuity includes the following relatives.—

- | | | |
|--|---|---|
| (i) wife, in the case of a male officer, | } | including
step children
and adopted
children |
| (ii) husband, in the case of a female officer, | | |
| (iii) sons, | | |
| (iv) unmarried and widowed daughters, | | |

† Added vide GIMH Memo No F 8(1) EV/A/61 dated the 31st March 1961]

† Attestations should be done by two or more persons of respectability in the town, village or pargana in which the applicant resides

(v) brothers below the age of 18 years and unmarried and widowed sisters (including step-brothers and step sisters)

(vi) father,

(vii) mother

(viii) married daughters and

(ix) children of a pre deceased son

[G.I. order No. (2) below para 4]

3 *Forms for nomination*—An officer can make nomination in favour of one or more members of his family. In the case of an officer having a family the nomination in favour of one member should be made in Form A and that in favour of more than one member in Form B. In the case of an officer having no family the nomination in favour of one member should be made in Form C and that in favour of more than one member in Form D.

NOTE—The nomination made by an officer who has no family shall become void on his subsequently acquiring a family.

[Sub. p. 3, below para 4]

4 *Nominees share*—If an officer nominates more than one person he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

[G.I. order No. (2) below para 4]

The eligibility of a person to receive the amount or share of death cum retirement gratuity will be determined with reference to the facts as they stand on the date of death of a Government servant and any subsequent event (e.g. re-marriage of a widow, marriage of an unmarried daughter, sister etc.) will not affect that entitlement.

[G.I. order (1) below para 3]

5 *Cases of no nomination*—If however, a Government servant dies without making a nomination conferring on one or more persons, the right to receive the amount of death cum retirement gratuity, it shall be paid in equal shares to those surviving members of the family who belong to those categories (i) to (iv) of the definition except widowed daughters. If there is no such surviving member but there is/are surviving a widowed daughter and/or one or more members of the family of the Government servant who belong to categories (v) to (ix) the gratuity shall be paid to all such persons in equal shares.

[G.I. order No. (2) below para 4]

If, however, a person who was entitled to receive D.C.R. gratuity on the date of death of a Government servant dies be

fore getting the payment, the amount or share of gratuity admissible to him should be distributed in equal shares among the surviving eligible members of the family of the deceased Government servant

In case there is no family member and also the nomination has not been made in favour of any other person or persons, the amount of gratuity will lapse to Government.

[Sub-para 2 of para 3]

6 An officer may provide in the nomination that in respect of any specified nominee who pre deceases the officer, or who dies after the death of the officer but before receiving payment of gratuity, the right conferred upon that nominee shall pass on to such other members of the officer's family as may be specified in the nomination

[Sub para 4 (2) of para 4]

Alternate nomination—Provided that where an officer has only one member in his family in whose favour the nomination should be made, the alternate nomination can be made in favour of any person who is not a member of his family or in favour of the body of persons, corporate or incorporate

[G.O. order No. (11) below para 4]

It is open to a Government servant to nominate more than one alternate nominee against any of the original nominee/nominees

If a nominee who was entitled to receive the amount of death-cum retirement gratuity on the date of death of the Government servant dies before getting the payment, the right to the amount or share of the gratuity shall pass on to the alternate nominee or nominees. In case there is no alternate nominee, the amount or share of gratuity will be paid in equal shares to the co nominees of the person concerned if any, and failing that it will be distributed in equal shares among the surviving members of the family of the deceased Government servant as in the cases of no nomination

[G.O. order No. (2) below para 3]

7 *Cancellation of nomination*—An officer may at any time send a fresh nomination to the appropriate authority indicating therein that it supersedes the earlier nomination made by him as provided for in relevant Forms.

The officer shall immediately on the death of a nominee in respect of whom no alternate nominee exists or on the occurrence of any event by reason of which the nomination becomes invalid.

send to the appropriate authority a fresh nomination made as in the preceding sub-para

[Sub paras 6 and 7 below para 4]

Every nomination made by an officer, shall be sent by the officer to his Accounts officer in the case of permanent gazetted officer and to the head of his office in the case of all non gazetted officers and officiating gazetted officers. Immediately on receipt of a nomination from a non gazetted officer the head of the office shall countersign it indicating the date of receipt and keep it under his custody as required in the Finance Ministry's Office Memorandum No 21 (4) EV/59 dated the 6th April 1960

[G I order No (16) below para 4]

8 *Date from which a nomination becomes valid*—Every nomination made by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority concerned

[Sub para 9 of para 4]

9 *Right to make nomination after retirement*—While a nomination as also any change therein will normally be made by an officer during service he can make a fresh nomination after retirement but before getting payment in case he so desires

[Note below sub para 9 of para 4]

10 The nomination shall become invalid in the event of happening of a contingency specified therein

[Sub para 4(b) of para 4]

Death should not be specified as one of the contingencies on the happening of which the nomination shall become invalid

[G I order No 15 below para 4]

11 An acknowledgment to the Government servant concerned confirming that the nominations made by him and the related notices have been duly received and placed on record should invariably be sent to every officer making a nomination, but the Accounts officer in the case of permanent gazetted officers and the Head of office in the case of all non gazetted officers and officiating Gazetted officers. The Government servants should also in the interest of their nominees, preserve copies of the nominations made by them and of the related acknowledgments, either in their personal custody or in the safe deposit alongwith their other important personal documents etc, where they may be expected to come into possession of the beneficiaries in the event of their death

[G I order No 17 below para 4]

II—FAMILY PENSION.

12 *Nomination*.—It is compulsory for every Government servant borne on the Pensionable establishment to make a nomination in the Form 'E'. Nominations for family pension will be made in favour of any or all of the relatives mentioned at items (i) to (vi) in para 2 above only, in Form 'E'.

[G.I. order Nos (1) and (2) below para 4]

13. *No nomination*—(a) In the absence of a nomination, family pension will be paid in the following order:—

- (i) to the eldest surviving widow, if the deceased is a male officer or to the husband, if the deceased is a female officer,
- (ii) failing a widow or husband, as the case may be to the eldest surviving son,
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter,
- (iv) these failing, to the eldest widowed daughter

NOTE.—The expression 'eldest surviving widow' occurring in Para 13(a) (i) above will be construed with reference to the seniority according to the date of marriage with the officer and not with reference to the age of the surviving widows.

(b) In the event of no pension becoming payable under para 13(a) above, the pension will be granted,

- (i) to the father,
- (ii) failing the father, to the mother,
- (iii) failing the father and mother, to the eldest surviving brother below the age of 18;
- (iv) these failing, the eldest surviving unmarried sister;
- (v) failing (i) to (iv) above, the eldest surviving widowed sister

[Sub para 5 of para 5]

Note 1.—No family pension will be payable to the persons mentioned in para 13(b) above without production of a reasonable proof that such person was dependant on the deceased officer for support and to—

- (a) an unmarried female member of an officer's family in the event of her marriage
- (b) a widowed female member of an officer's family in the event of her re marriage
- (c) a brother of an officer on his attaining the age of 18 years

[Sub para 4 of para 5]

Note 2.—No family pension will be payable to a person who is not a member of an officer's family

[See Note 2 below sub para 5 of para 5]

Revised forms for sending intimation regarding the admissibility of death cum retirement gratuity and family pension to the family of a deceased Government servant

1

• • • •

2 In view of the revised procedure for the payment of death-cum retirement gratuity the following four revised and separate forms have now been devised for sending intimation regarding the admissibility of death cum retirement gratuity and family pension to the family of the deceased officer —

- (i) For death cum retirement gratuity/residuary gratuity in cases where valid nominations exist—I,
- (ii) For death cum retirement gratuity/residuary gratuity where no such nomination exists—II,
- (iii) For family pension in cases where valid nomination exists—III, and
- (iv) For family pension where no such nomination exists—IV

It is requested that in future intimations should be sent in these forms

3 In cases where no nomination exists, intimation relating to family pension should, as a rule, be sent to the known top ranking relative in the graduation given in Annexure IV, and the intimation relating to the death cum retirement gratuity/residuary gratuity to all the adult members of the family about whom information may be available with the administrative authority. The payment of the share of minor members of the family is to be made to the natural guardian which, in the case of Hindus, Buddhists, Jains, Sikhs and Christians, is the father and after him the mother, and in the case of Mohammedans the father. The natural guardian if any, should be addressed on behalf of the minors also and no separate claim from or on behalf of the latter need be called for. Where there is no natural guardian payment is to be made to the legal guardian who may be left to prefer the claim himself.

4 It has also been decided to introduce a new form viz, Form 'H' in which the beneficiaries of deceased Government servants/pensioners should apply for the payment of death cum retirement gratuity/residuary gratuity. A similar application form for family pensions already exists vide Form 'F'. These forms should invariably be enclosed with the intimation memos, when addressing members of families of deceased Government servants/pensioners as above.

I

Form for death cum retirement gratuity/residuary gratuity in cases where valid nomination exists

No

Government of India

Ministry of , , ,

Department of , ,

Dated the

Subject —Payment of Death *cum* retirement gratuity/
residuary gratuity in respect of the late
Shri/Shrimati ,

Sir,

I am directed to state that in terms of the nomination made by the late Shri/Shrimati a in the Office/Department/Ministry of , a death *cum* retirement gratuity/residuary gratuity is payable to his/her nominee(s). A copy of the said nomination is enclosed herewith.

2 I am to request that a formal claim for the grant of death *cum* retirement gratuity/residuary gratuity may be submitted by you in the enclosed Form 'H' as soon as possible.

3 Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,

To, _____

II

Form for death cum retirement gratuity/residuary gratuity where valid nomination does not exist

No

Government of India

Ministry of , , ,

Department of , ,

Dated the

Subject —Payment of Death *cum* retirement gratuity/
residuary gratuity in respect of the late
Shri/Shrimati

Sir,

I am directed to say that in terms of the Ministry of Finance Office Memorandum No F 20(5) EV/57 dated the 19th February 1957 a death cum retirement gratuity/residuary gratuity is payable to the following members of the family of Shri/Shrimati

late a , in the Office/Department/
Ministry of in equal shares —

- | | |
|--------------------------|---------------------------|
| (i) wife/husband | } including step children |
| (ii) sons | |
| (iii) unmarried daughter | |

2 In the event of there being no surviving member of the family as indicated above the death cum retirement gratuity/residuary gratuity will be payable to the following members of the family in equal shares —

- (i) widowed daughters
- (ii) brothers below the age of 18 years and unmarried or widowed sisters
- (iii) father and
- (iv) mother

3 It is requested that a formal claim for the payment of death-cum retirement gratuity/residuary gratuity may be submitted in the enclosed Form F1 as soon as possible

Yours faithfully

To _____

III

Form for family pension where valid nomination exists

No
Government of India
Ministry of ,
Department of ,

Dated the

Subject — Payment of family pension in respect of the
late Shri/Shrimati ,

Sir,

I am directed to state in terms of the nomination made by
the late Shri/Shrimati , a

(DESIGNATION)

in the Office/Department/Ministry of _____, a family pension is payable to you as his/her nominee.

2 I am accordingly to suggest that a formal claim for admission to the family pension may be submitted by you in the enclosed Form 'F', as soon as possible

3 Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid in whole or in part, precise details of the contingency may kindly be stated

Yours faithfully,

To _____

IV

Form for family pension where valid nomination does not exist

No
Government of India
Ministry of _____
Department of _____

Dated the _____

Subject — Payment of family pension in respect of the late Shri/Shrimati _____

Sir,

I am directed to state that a family pension is payable to the family of the late Shri/Shrimati _____, a

(DESIGNATION)

in the Office/ Department/Ministry of _____ In the absence of a nomination in accordance with the provisions of para 5 of the Ministry of Finance Office Memorandum No F 3(1) Est. (Spl)/47 dated the 17th April, 1950 as amended from time to time, the family pension is payable as follows —

- (a) (i) to the eldest surviving widow or the husband
- (ii) failing widow/husband to the eldest surviving son,
- (iii) failing (i) and (ii), to the eldest surviving unmarried daughter
- (iv) these failing, to the eldest widowed daughter, and
- (b) in the event of no family pension becoming payable under clause (a) above
- (i) to the father

- (u) failing the father, to the mother;
- (ur) failing father and mother, to the eldest surviving brother below the age of 18,
- (ir) these failing, to the eldest surviving unmarried sister,
- (r) failing (i) to (ir), to the eldest surviving widowed sister

No family pension is payable to a person mentioned in clause (b) above without production of reasonable proof that such person was dependent on the deceased for support

2 I am to suggest that a formal claim for family pension may be submitted in the enclosed Form F*, if you have a prior claim to it in accordance with the gradation given above. You are requested to furnish also an affidavit to the effect that there is no other surviving member of the family of Shri----- ranking above you in the order given above, you should understand that any false information given or declaration made by you in this connection, will render you liable to legal action. If, in the light of the above gradation you have no prior claim to the family pension you are requested to intimate the name, address and relationship to the deceased of the person who, according to your knowledge has a prior claim to the pension, and also pass on this letter to him/her for necessary action.

Yours faithfully

ANNEXURE A

Completed years of qualifying service.	Scale of gratuity or pension	Maximum Pension (in Rs per annum)
(a) Gratuity.		
1	1 month's emoluments	
2.	2 months' "	
3	3 " "	
4	4 " "	
5.	4½ " "	
6	5½ " "	
7	6½ " "	
8.	7 " "	
9.	7½ " "	
(b) Pension		
10.	10/80ths of average emoluments	2 700
11.	11/80ths of " "	2,970
12.	12/80ths of " "	3,240
13	13/80ths of " "	3,510
14.	14/80ths of " "	3,780
15.	15/80ths of " "	4,050
16	16/80ths of " "	4,320
17	17/80ths of " "	4,590
18.	18/80ths of " "	4,860
19	19/80ths of " "	5,130
20	20/80ths of " "	5,400
21	21/80ths of " "	5,670
22	22/80ths of " "	5,940
23	23/80ths of " "	6,210
24	24/80ths of " "	6,480
25	25/80ths of " "	6,750
26.	26/80ths of " "	7,020
27.	27/80ths of " "	7,290
28	28/80ths of " "	7,560
29	29/80ths of " "	7,830
30.	30/80ths of " "	8,100

ANNEXURE B

Length of service
in months & periods
of 1 month & 15 days

Scale of gratuity
or pension

Maximum
pension
(in Rs per
annum)

(a) Gratuity

1	$\frac{1}{2}$ months emoluments
2	1 " "
3	$1\frac{1}{2}$ months emoluments
4	2 " "
5	$2\frac{1}{2}$ " "
6	3 " "
7	$3\frac{1}{2}$ " "
8	4 " "
9	$4\frac{1}{2}$ " "
10	5 " "
11	$5\frac{1}{2}$ " "
12	6 " "
13	$6\frac{1}{2}$ " "
14	7 " "
15	$7\frac{1}{2}$ " "
16	8 " "
17	$8\frac{1}{2}$ " "
18	9 " "
19	$9\frac{1}{2}$ " "

(b) Pension.

20	10 / 80ths of average emoluments	2,700
21	$10\frac{1}{2}$ / 80ths of " "	2,835
22	11 / 80ths of " "	2,970
23	$11\frac{1}{2}$ / 80ths of " "	3,105
24	12 / 80ths of " "	3,240
25	$12\frac{1}{2}$ / 80ths of " "	3,375
26	13 / 80ths of " "	3,510
27	$13\frac{1}{2}$ / 80ths of " "	3,645
28	14 / 80ths of " "	3,780
29	$14\frac{1}{2}$ / 80ths of " "	3,915

30	15 /80ths of average emoluments	4,050
31	15½/80ths of " "	4,185
32.	16 /80ths of " "	4,320
33	16½/80ths of " "	4,455
34	17 /80ths of " "	4,590
35	17½/80ths of " "	4,725
36.	18 /80ths of " "	4,860
37.	18½/80ths of " "	4,995
38	19 /80ths of " "	5,130
39	19½/80ths of " "	5,265
40	20 /80ths of " "	5,400
41	20½/80ths of " "	5,535
42	21 /80ths of " "	5,670
43	21½/80ths of " "	5,805
44	22 /80ths of " "	5,940
45	22½/80ths of " "	6,075
46	23 /80ths of " "	6,210
47	23½/80ths of " "	6,345
48.	24 /80ths of " "	6,480
49	24½/80ths of " "	6,615
50	25 /80ths of " "	6,750
51	25½/80ths of " "	6,885
52	26 /80ths of " "	7,020
53	26½/80ths of " "	7,155
54	27 /80ths of " "	7,290
55	27½/80ths of " "	7,425
56	28 /80ths of " "	7,560
57	28½/80ths of " "	7,695
58	29 /80ths of " "	7,830
59	29½/80ths of " "	7,965
60	30 /80ths of " "	8,100

[G I M F Memo No F 4(2) Fst (spl)/59 I, dated the 22nd April, 1960]

QUESTIONS AND ANSWERS

Q 1 Explain briefly how the liberalised Pension Rules, 1950 have changed the position in regard to retiring pensions as compared with what it was before (S A S May, 1956)

Ans (i) A Government servant under the old Pension Rules should have completed 30 years' qualifying service or 25 years in the case of officers mentioned in Art 465A before he is permitted to retire. In case he is not permitted to retire he may retire on reaching the age of superannuation

Under the *Liberalised Pension Rules, 1950*, an officer may retire any time after completing 30 years' qualifying service provided he gives a notice in writing to the Government or the Government gives a notice in writing to the Government servant at least 3 months before the date of his retirement (ii) The maximum pension admissible under the Old Pension Rules for 30 years and above is Rs 6,000 under 474A CSR and Rs 5,000 for 25 years and above under Art 474 CSR and Rs 6,000 for 25 years and above under Rule 13 of the Superior Civil Service Rules 1924 Minimum is 30/60th of average emoluments

In the case of *Liberalised Pension Rules* maximum pension is Rs 8,100 and the minimum is 30/80th of average

The additional pension admissible to the officers mentioned in Art 475, 475A, 475AA and 475AAA under the old Pension Rules is not admissible to Officers governed by the *Liberalised Pension Rules*

(iii) Temporary service which counted in full under the provisions of Arts. 370 and 371 of C.S.R will count to the extent of half if followed by confirmation under the *New Pension Rules*

(iv) Under the CSR the Pension can be commuted up to half of the Pension Under the *Liberalised Pension Rules* commutation has been reduced to one third of the pension

(v) Under the CSR no pension is admissible to the heirs of the Government servant, if he died either during the service or after service But now they are entitled to a family pension limited to one half of the pension subject to a maximum of Rs 150 pm and a minimum of Rs. 30 pm for a period of 10 or 15 years as the case may be provided he has rendered more than 25 years' qualifying service (20 years from 1.4.1957)

From 1-1-1964 family pension will be admissible to the wife of a Central Government servant after his death for life time if he has rendered 1 year's service Pension range is Rs 25 to 150

(vi) Under the *Liberalised Pension Rules* a Government servant is also entitled to a gratuity of 9/20th of emoluments for each completed year of qualifying service subject to a maximum of 15 times the emoluments

In case if he dies during service, the gratuity is subject to the minimum of 12 times the emoluments of the officer at the time of death

(vii) The distinction between class IV and superior service has been abolished with the promulgation of *New Pension Rules*

Q. 2. Calculate the qualifying service and the amount of pension and death-cum-retirement gratuity admissible to an officer of the I A. & A.S. with the following records of service. The officer did not elect to remain under the pension rules existing on 17-4-1950:—

Date of birth — 16-1 1902.

Joined service as a temporary clerk — 15-11-1926

Confirmed as a clerk — 1-1-1935

The Temporary post, which was held by him from 1 4-1934 to 31-12-1934 was ultimately made permanent.

Promoted to I A & A S — 16-4-1941

He took leave as follows:—

Earned leave for 90 days combined with leave on H A P. for 60 days from 1-2 1935.

Earned leave for 90 days combined with study leave ex India for 1 year from 15-11-1938.

Earned leave for 90 days from 15-8 1944

Earned leave for 60 days from 14-3-1947

Earned leave for 90 days from 1-5-1952

Earned leave for 120 days combined with leave on H A.P. for 60 days preparatory to retirement from 20-7-1956

The officer was placed under suspension from 15-6-1945, but was re instated on 1-12-1945, on the conclusion of the enquiry instituted against him. The period of suspension was adjudged as a specific penalty and the officer was allowed only subsistence allowance for the period.

He was promoted to class 1 of the I A. & A.S. in the scale of Rs 1,300—60—1,600 with effect from 1-6 1951 and confirmed therein from 1 2-1953

Appointed to officiate in the Comptroller's grade of the service in the scale of Rs 1,600—100—1,800 from 16-11-1953

Officiated as Accountant-General, Class II, in the scale of Rs 1 800—100—2,000 from 1-4 1954 —

Confirmed in the Comptroller's grade from 1-5-1955.

It was certified that during the leave preparatory to retirement he would have officiated as Accountant General, Class II but for leave.

The officer died on 15-4-1957. What additional gratuity and family pension will be admissible to his family and for what period?

(S.A.S. November, 1957)

Average emoluments from 16-1-1954 to 15-1-1957 under Art. 487 CSR.

Pay	Dates	Period	Amount Rs. As. Ps.
1,420	16- 1-1954 to 31- 5-1954	$4\frac{16}{31}$ m	6,412-14- 5
1,480	1- 6-1954 to 30- 4-1955	11 m	16,280- 0- 0
1,700	1- 5-1955 to 15-11-1955	$6\frac{15}{30}$ m	11,050- 0- 0
1,800	16-11-1955 to 15- 1-1957	$13 + \frac{15}{31} + \frac{15}{30}$ m	$\frac{25,170-15- 6}{58,913-13-11}$

$$= 58,913 - 13 - 11 + 36 = \text{Rs. } 1,636 \text{ } 7-11$$

Average emoluments under Art 487 B

Pay	Dates	Period	Amount Rs As.Ps.
1,600	16- 1-1954 to 31- 3-1954	$2\frac{16}{31}$ m	4,025-12-11
1,800	1- 4-1954 to 31- 3-1955	12 m	21,600- 0- 0
1,900	1- 4-1955 to 31- 3-1956	12 m	22,800- 0- 0
2,000	1- 4-1956 to 15- 1-1957	$9\frac{15}{31}$ m	18,967-11-10

$$\text{or } \frac{67,393-8-9}{30} = \text{Rs. } 1,872-0-8$$

$\frac{1}{2}$ of Difference between the two average emoluments

$$= \frac{1872-0-8 \text{ minus } 1636-7-11}{2} = \frac{235-8-9}{2} = \text{Rs. } 117-12-5.$$

$$\therefore \text{ Pension admissible} = \frac{(1636-7-11) + (117-12-5) \times 26}{80}$$

$$\text{or } \frac{(1754-4-4) \times 26}{80} = \text{Rs } 570-2-0 \text{ limited to}$$

Rs. 487½ as the enhanced limited of Rs. 7,020 for 26 years' service revised by orders dated 27-8-1957.

DCR Gratuity = $9/20 \times 26 \times 1800 = \text{Rs } 21060$

(Gratuity is limited to emoluments last drawn in substantive post subject to a maximum of Rs 1800)

	Amount
The officer died on 15 4 1957	
DCR Gratuity paid to him already	21060 0 0
Amount of pension drawn from 16 1 1957 to 15 4-1957 @ Rs 487½	1474 6 0
Total Rs	22534 6 0
Gratuity admissible on death is 12×1800	21600 0 0

As the officer has drawn more than the Gratuity no residuary Gratuity is admissible to the family

Family pension admissible from 16 4 1957 to 15 1 1962 is Rs 150 as half of his pension $\frac{570 - 2}{2}$ or Rs 285-1 is more than this limit

Q 3 Calculate the qualifying service and the amount of pension and death cum retirement gratuity admissible to an officer of the IA & AS subject to the Liberalised Pension Rules from the following particulars —

Date of birth — 17 1902

Joined service as a temporary clerk — 15 4 1924

Confirmed — 1 1 1929

The temporary post which was held by him from 15 11 1927 was ultimately made permanent

Promoted to IA & AS — 17 1943

Retired on 1 1 1959

Details of leave taken —

Leave on A.P. for 2 months and in continuation extraordinary leave for 2 months from 15 1 1928

Leave on A.P. on medical certificate for 6 months from 1 1 1935

Study leave out of India for 1 year from 1 1 1937

Leave on A.P. on medical certificate for 8 months and in continuation leave on H.A.P. for 3 months from 1 6 1946

Leave on A.P. out of India for 3 months from 1 7 1951

Deputation out of India in continuation of the above for 4 months from 1 10 1951

Leave on A.P. out of India for 4 months from 1 2 1952

Leave on A.P. for 4 months from 15-4-1954.

Leave on A.P. for 4 months combined with leave on H.A.P. for 2 months preparatory to retirement from 1-7-1958.

Details of appointment and pay drawn during the last 3 years of service:—

Appointed to officiate in class I of the I.A. & A.S. in the scale of Rs. 1,500 60-1,800 from 1-11-1954. Substantive pay in class II of the service on that date was Rs. 1,250 p.m. in the scale of 350-50 1,400 with the next increment due on 1-7-1955

Confirmed in Class I from 1-1-1957

Held the post of a Deputy Accountant General, Posts and Telegraphs, from 1-4-1955 to 30-9-1956 and that of an Additional Accountant-General from 1-10-1956 onwards. The post of the Dy. Accountant-General P. & T. carries a special pay of Rs. 100 p.m. and that of Additional Accountant-General Rs. 200 p.m. over the Class I scale of pay for arduous nature of duties and increased responsibilities attached to these posts.

It has been certified that but for the leave preparatory to retirement from 1-7-1958 he would have held the post of Additional Accountant General. (S.A.S. November, 1959).

Ans Date of birth—1-7-1902

Date of commencement of service—15-4-1924

Date of confirmation—1-1-1929.

Date of retirement—1-1-1959.

Gross Service

Permanent Service from	Y	M	D
15-11-1927 to 31-12-1958	31	1	17

Add $\frac{1}{2}$ of Temporary service from			
15-4-1924 to 14-11-1927	1	9	15
(3-7-0)			
	<hr/>	<hr/>	<hr/>
	32	11	2

Deduct leave with allowances other than

P.L. and first 4 months of leave on A.P.

Out of India		In India
		Y M D
	1-5-1935 to 30-6-1935	0 2 0
	1-10-1946 to 30-4-1947	0 7 0
0-3-0	1-3-1952 to 31-5-1952	
	1-11-1958 to 31-12-1958	0 2 0
0-3-0	Total	0 11 0

The leave in India and out of India qualifies under Art 408
Extraordinary leave from

15 3 1928 to 14 5 1928

Net qualifying service

0	2	0
<hr/>		
32	9	2
or		
32 years		

Fixation of pay

	350 50 1 400	1 500 60 1 800
1 11 1954	1,250	1,500
1 7 1955	1 300	1,500
1 11 1955	1 300	1 560
1 7 1956	1 350	1 560
1 11 1956	1 350	1,620
1 1 1957		1 620
1 11 1957		1 680
1 11 1958		1 740

Special Pay

1 4 1955 to 30 9 1956 Rs 100 p.m

1 10 1956 to 31 12 1958 Rs 200 p.m

Calculations of average emoluments from 1 1 1956 to 31 12 1958

Average emoluments under Art 457

<i>Period</i>	<i>Months</i>	<i>Pay Rs</i>	<i>Total Rs</i>
1 1 1956 to 30 6 1956	6	1 300	7 800
1 7 1956 to 31 12 1956	6	1 350	8 100
1 1 1957 to 31 10 1957	10	1 620	16 200
1 11 1957 to 31 12 1958	14	1 680	23 520

Special pay

1 1 1956 to 30 9 1956	9	100	900
1 10 1956 to 31 12 1958	27	200	5 400
			<hr/>
			61,920

$$\text{or } \frac{61,920}{36} = \text{Rs. } 1,720$$

Calculations of average emoluments under Art. 487 B.

<i>Period</i>	<i>Months</i>	<i>Pay Rs</i>	<i>Total Rs</i>
1- 1 1956 to 31-10 1956	10	1,560	15,600
1-11-1956 to 31-10 1957	12	1,620	19,440
1-11-1957 to 31-12-1958	14	1,680	23,520
<i>Special pay</i>			
1- 1 1956 to 30 9 1956	9	100	900
1-10-1956 to 31-12-1958	27	200	5,400
			<hr/> 64,860

$$\text{or } \frac{64,860}{36} = \text{Rs } 1801.67$$

.. Difference between the two average emoluments

$$= 1,807.67 - 1,720 = \text{Rs. } 81.67$$

$$\text{Half of difference} = 40.84$$

$$\text{Pension} = \frac{30}{80} \times (1720 + 40.84) = \text{Rs. } 660.30$$

Death cum Retirement gratuity

$$= 9/20 \times 32 \times 1,800 = \text{Rs } 25,920 \text{ limited to Rs } 24,000$$

Note—(1) Study leave counts in full as qualifying service vide FR 84

- (2) Leave on A.P. alternating with deputation out of India are to be treated as one spell (See G.O. order below Art. 407)
- (3) The increment falling due on 1.12.1958 falls during leave on H.A.P. and has therefore, not been considered for the purpose of emoluments
- (4) Had the officer retired on or after 22.4.1960 temporary service would have been counted in full and average emoluments counted under Art. 486 A D.C.R. Gratuity would have been 10/20th

Q 4 It was decided to retain in service Mr. A. Pre-1938 Ministerial Government servant, whose date of birth is 15.7.1903 up to 15.7.1960, but the Government servant died of heart attack on 1.10.1959. It is proposed to grant to his widow a family pension for 10 years from 1.10.1959 at a rate equal to half the amount of superannuation pension that would have been admissible to him on the date of his death.

Comment on the proposal (S.A.S. November, 1959)

Ans The widow is entitled to a family pension from 2 10 1959 to 14 7 1965 (for a period of 5 years after the date of superannuation viz. 15 7 1958) at the rate of half the amount of superannuation pension admissible to the officer on the date of his death subject to a maximum of Rs 150 and a minimum of Rs 30 vide Rule 5(1) of LP Rules, Government of India's orders dated 22 5 1957 and 26 11 1957 thereunder

Q 5 Calculate the pension and death cum retirement gratuity admissible to an Assistant Accounts Officer, subject to the Liberalised Pension Rules from the following records of service —

Date of birth — 15 1903

Joined service in the office of the AG UP against a temporary post of clerk on 1 6 1927 This temporary post was abolished from 1 4 1928 He was reappointed to another temporary post of clerk in the same office from 1 8 1928 The latter post was made permanent from 1 4 1930 and he was confirmed therein from that date Passed the SAS Examination in November 1941 Appointed to officiate as Assistant Accounts Officer from 16 6 1952 and confirmed as Assistant Accounts Officer from 1 8 1953

He took the following leave during his entire service —

Leave on AP for 2 months from 10 2 1932 Extraordinary leave for 4 months from 1 4 1934 Leave on AP on medical certificate for 8 months from 1 2 1938

Leave on AP for 4 months combined with leave on $\frac{1}{2}$ AP for 9 months and 20 days from 1 5 1952

Leave on medical certificate on AP for 8 months combined with leave on $\frac{1}{2}$ AP for 9 months and 10 days from 1 4 1950

Refused leave on AP for 4 months from 1 5 1961 on the conclusion of which he retired on superannuation pension

He was under suspension from 1 3 1945 and re-instated from 16 9 1945 The period of suspension was adjudged as a specific penalty and the officer was allowed only subsistence allowance for the period

On 1 4 1958 he was drawing a substantive pay of Rs 675 in the scale of Rs 500 35 850 his annual increment accruing on 16th June every year In addition he was in receipt of the usual dearness allowance and dearness pay as a married officer (The rate of full dearness allowance is Rs 85 p.m. up to pay of Rs 750 and Rs 100 p.m. for pay exceeding Rs 750) He elected the Central Civil Service (Revised Pay) Rules 1960 from 1 7 1959 on which date his pay was fixed in the revised scale of Rs 590 30 830 35 900

at Rs 800 plus a personal pay of Rs. 30 p m with the date of next increment raising his pay to Rs 830 p m from 16 6 1960

(S A S November 1961)

Ans Date of birth 1 5 1903

Date of joining 1 5 1927

Gross service from 1 8 1928 to 30-4 1961

Y M D

32 9 0

Deduct period of suspension from 1 3 1945
to 15 9 1945

0 6 15

Gross qualifying service

32 2 15

Deduct leave with allowances other than
first four months of leave on A P

Y M D

1 6 1938 to 30 9 1938

0 4 0

1 9 1942 to 20 6 1943

0 9 20

1 8 1950 to 30 11 1950

0 4 0

1 12 1950 to 10 8 1951

0 8 10

2 2 0

Counting under Art 408 C.S R

2 0 0

Non qualifying leave

0 2 0

Extraordinary leave

0 4 0

Non qualifying service

0 6 0

0 6 0

31 8 15

or

63 six monthlies

Fixation of pay

Old scale

Revised scale

500 35 850

590 30 830 35 900

1 4 1953

675+DP 42 50

10 6 1953

710+DP 42 50

16 6 1959

745+DP 42 50

1 7 1959

Rs 800+P P Rs 30

16 6 1960

Rs 830

Calculations of average emoluments from 1-5-1958 to 30-4-1961

	Rs nP
1- 5 1958 to 15- 6 1958 @ Rs. 675 + 42 50	1,076 25
16- 6 1958 to 15 6 1959 @ Rs 710 + 42 50	9 030 00
16 6 1959 to 30 6 1959 @ Rs 745 + 42 50	393 75
1 7 1959 to 15 6 1960 @ Rs 800 + 30 × $\frac{1}{2}$	9,372 50
16 6 1960 to 30 4-1961 @ Rs 830	8,715 00
	<hr/> 28,587 50

or $\frac{28,587.50}{36} = \text{Rs } 794.085$

Pension = $794.085 \times \frac{30}{60} = \text{Rs } 297.781$

or
Rs 297 80

Death cum retirement Gratuity

= $830 \times \frac{1}{2} \times 63$ limited to

$830 \times 15 = \text{Rs } 12,450$

Notes) Under Liberalised Pension rules the temporary service counts in full but when the temporary post is abolished the service rendered therein does not count

- (1) The period of suspension adjudged as a specific penalty does not count as qualifying service
- (2) Extra ordinary leave is not counted as qualifying service
- (3) Under Note 3 to FR 56(d) the period of refused leave is omitted and he would be considered to have retired on 30-4-1961
- (4) Personal pay granted on account of loss in substantive pay counts in full for calculating emoluments but the personal pay granted otherwise is counted as half vide Art 486A
- (5) Average emoluments should be calculated to three decimal places

Q 6 Calculate the net qualifying service, average emoluments and the amount of pension and gratuity admissible to an officer of the I A & A S with the following particulars —

(The officer opted for the provisions relating to death cum-retiring gratuity admissible under the Liberalised Pension Rules, 1950 while continuing to be governed by the Pension Rules in the CSR)

Date of birth — 1-1 1902

Joined as S A S Apprentice — 1 9 1926

Appointed substantively as S A S Accountant — 16-11-1928.

Promoted substantively to the General List (Class II) of the I A. & A S — 1-2-1936 Promoted substantively to Class I of the Service (Pay fixed at Rs 1,500 p m in the scale of Rs 1 500 50-1,800) 1-7-1948 Appointed to officiate in a higher post (ex-cadre)

Borne on the Schedule (B-lower Grade) to Art 475A C S R , the substantive holder of which had proceeded on foreign service (Scale Rs 1,800 10-2,000) 1-1-1953

Appointed substantively as Accountant General, Class II (Rs. 2,250 10 2,750)—1-7-1954

Permitted to retire from 1-1-1956—

Leave enjoyed by the Officer:—

- (i) Leave on A P for 15 days from 1-11-1928.
- (ii) Leave on A P. for 4 months combined with leave on H A P for 8 months from 1-1-1934
- (iii) Leave on A P for 8 months spent in U K. from 1-1-1945.
- (iv) Leave on A P for 8 months spent in U K. from 1-1-1955, Commutat on table applicable to the officer may be assumed as follows:—

<i>Age next birthday</i>	<i>No. of year purchase</i>
53	12.74
54	12.34
55	11.95
56	11.55
57	11.15

(S A S November, 1960)

Ans. Gross service from 16 11-1928 to 31-12-1955 = 27 yrs 1 month 15 days

The leave availed of by him comes within the limit prescribed under Articles 407 and 408 C S R The qualifying service of the Government servant is 27 years. Average emoluments from 1 1-1953 to 31-12-1955 As his pay was far in excess of Rs. 12 800 p.a. he is entitled to an ordinary pension of Rs 6,400 p.a. for 27 years qualifying service under Rule 13(a) of the S S Rules, 1950

$$\text{Death cum-retirement gratuity} = \frac{9}{20} \times 27 \times 1,500 = 18,225$$

Age next birthday - 55

$$\therefore \text{Pension equivalent} = \frac{18,225}{11.95} \div 12 = \text{Rs } 127 \ 1 \ 6$$

$$\text{Ordinary pension} = \frac{6,400}{12} - 127-16 = 533.33 - 127.09 \\ = \text{Rs } 406.25$$

Note.—1 He is not entitled to special additional pension as he did not complete 28 years' qualifying service and entered service after 31.12.1909

Note.—2 (1) Half the period of apprenticeship in the S.A.S. counts as qualifying service from 13.8.1956. From 22.4.1960 the entire period counts.

(2) The pension equivalent of D.C.R. gratuity is calculated as—
 Total D.C.R. gratuity

No. of years purchase corresponding to age next birthday $\times 12$

(a) The officer retired before reaching the age of superannuation

(3) The post is listed in Schedule V of S.S. Rules and pension is calculated according to Rule 13(a) of the said rules

Q. 7 Calculate the qualifying service for pension, the pension and death cum-retirement gratuity admissible to an officer from the following record of service. The officer opted for the provisions relating to death cum retirement gratuity admissible under the L.P.R. of 1950, while continuing to be governed by the pension rules contained in the C.S.R.

(i) Date of birth — 17.1904

(ii) Joined in a post in subordinate service on 4-5-1923 and confirmed therein after the expiry of one year's period of Probation

(iii) Availed of leave as follows —

Leave on A.P. for 4 months combined with leave on A.P. for 4 months in the U.K. with effect from 4-5-1928

Leave on A.P. for 4 months combined with leave on H.A.P. for 1 year and 9 months with effect from 1.10.1940

Leave on A.P. on medical certificate for 6 months with effect from 1-6-1946

Leave on A.P. for 4 months and in continuation leave on H.A.P. for 2 months, with effect from 1-3-1954. This leave was preparatory to retirement

(iv) Promoted to Class I of the I.A. & A.S. in the time scale of 1,500-60-1,800 with effect from 1-7-1949 and was confirmed therein on 15-3-1950

(v) The 'pension equivalent' table applicable to the officer is

Age next birthday 51 years

$$\text{Pension equivalent} = \frac{20\,250}{13\,51} = \text{Rs } 1,498\,14\,3$$

His total ordinary and special additional pension = 8,500

His total pension admissible under the option

$$= 8,500 \text{ minus } 1,498\,14\,3 = 7\,001\,2\,0$$

Monthly pension = Rs 583 7 0

Gratuity = 20 250

Q 8 Calculate the pension and DCR Gratuity admissible to an officer whose particulars of service are given below —

Date of birth — 19 4 1916

Joined a temporary post of a UDC on 1 8 1939

This post was abolished on 1 1 1940

Transferred to another temporary post of a UDC without a break on 1 1 1940 This post was made permanent with effect from 1 1 1941

Availed of the following leave —

Earned leave for 90 days from 1 5 1944

Earned leave for 120 days from 1 12 1951

Earned leave for 67 days from 6 4-1954 after the expiry of which he was invalided from service

Promoted to officiate in the time scale of Rs 500 30 800 from 1 1 1951 and confirmed therein from 1 5 1951, his pay on 1 1 1951 was fixed at Rs 500 p.m. with next increment due on 1 11 1951 In addition he was drawing usual DA and Dearness pay (SAS November, 1955)

Ans

Date of birth 19 4-1916

Date of commencement of
qualifying service 1 1 1940

Invalided from 12 6 1954

Qualifying service from 1 1 1940 to 11 6 1954 = 14 years
5 months 11 days

Average emoluments from 12 6 1951 to 11 6 1954 or 14 years

	Amount Rs
12 6 1951 to 31 10 1951 @ Rs 500 p.m.	2 316 11 0
1 11 1951 to 31 10 1952 @ Rs 530 p.m.	6 360 0 0
1 11 1952 to 31 10 1953 @ Rs 560 p.m.	6 720 0 0
1 11 1953 to 11 6-1954 @ Rs 590 p.m.	4 346 5 0
	<hr/> 19 743 0 0

$$\frac{19,743\ 0-0}{36} \quad \text{or Rs } 548-7\ 0$$

$$\text{Dearness pay} = \frac{42-8-0}{100}$$

$$\text{Total } 590-15$$

$$\therefore \text{Invalid pension} = 590-15 \times \frac{14}{80} = \text{Rs } 103-7$$

$$\begin{aligned} \text{D C R Gratuity} &= 9/20 \times 14 \times (590 + 42-8) \\ &= \text{Rs } 3,984-12 \end{aligned}$$

Q. 9 An officer has put in a total of 25 years' permanent service. During the last 3 years he was drawing a substantive pay of Rs 590. He is governed by the Liberalised Pension Rules of 1950.

- (a) What pension and gratuity is he entitled to if he is invalided, and
- (b) What pension and gratuity his family is entitled to in case he dies?

(S A S May, 1956).

$$\text{Ans. (a) Pension} = (590 + 42\ 50) \times \frac{25}{80} = \text{Rs. } 197\ 65$$

Pay + D P

$$\begin{aligned} \text{D C R, Gratuity} &= (590 + 42\ 50) \times 9/20 \times 25 \\ &= \text{Rs. } 7,115\ 62 \end{aligned}$$

- (b) Family pension

$$(i) \text{ D C R Gratuity} = 12 \times 632\ 50 = \text{Rs } 7,590$$

$$\text{Family pension} = \frac{197\ 65}{2} = \text{Rs } 98\ 85$$

vide Rule 5(2) of L P R

Q 10 Calculate the pension and gratuity admissible to a Government servant who had opted for the Liberalised Pension Rules of 1950, from the following data.—

Date of birth — 1-6-1900

Appointed as a clerk in a leave vacancy of a person who had proceeded on leave with allowances from 1-5-1925

Appointed to a temporary post of a clerk with effect from 1-9-1928. This post was made permanent from 1-3-1930

Proceeded on leave on A P on medical certificate for 8 months, combined with leave on H.A.P. for 4 months and extraordinary leave for 6 months with effect from 1-12-1929

Leave on A P for 4 months and on H A P. for 8 months from 1 2-1940

Leave on A P for 4 months from 1 2-1955 Retired from 1 6 1955

He was holding a permanent post substantively in the scale of Rs 200-20 500 and drawing pay at Rs. 440 p.m with effect from 1-3 1952 He was appointed against a temporary post in the scale of 500 30 800 from 1-8 1954 and continued therein till he proceeded on leave on 1-2-1955 It was certified that had he not proceeded on leave, he would have continued to hold the higher post till the date of his retirement

Dearness pay need not be taken into the calculations

(S A.S. November, 1956)

Ans. Date of birth 1- 6 1900

Date of commencement of service 1- 9-1928

Retired on 1 6-1955

	Y	M	D
Gross service from 1 9-1928 to 31 5-1955	26	9	0
Half of temporary service from 1-5-1925 to 31 8 1928 vide G I M F Memo No F 24(20) EV/52, dated 7 6-1952	1	8	0
Total	28	5	0

Deduct leave other than P L and first 4 months of leave on A P

	Y	M	D
1 4 1930 to 30 11-1930	0	8	0
1 6 1940 to 31- 1 1941	0	8	0

Counting under Art 408

	Y	M	D
	1	4	0
	1	0	0

Non qualifying service

	Y	M	D
	0	4	0

Balance

	Y	M	D
	28	1	0

Less Extraordinary leave

	Y	M	D
	0	6	0

	Y	M	D
	27	7	0

or

27 years.

Calculations of average emoluments from 1-6 1952 to 31 5 1955

	Rs
1- 6 1952 to 28 2-1953 @ Rs 440 p.m	3,960
1- 3 1953 to 28- 2 1954 @ Rs 460 p.m	5,520

1-3-1954 to 28-2-1955 @ Rs. 480 p m	5,760
1-3-1955 to 31-5-1955 @ Rs 500 p m	1,500
	<hr/> 16,740

$$\frac{16,740}{36} = \text{Rs } 465 \text{ p m}$$

$$\text{Superannuation Pension} = \frac{465 \times 27}{80} = \text{Rs } 156 \text{ } 15 \text{ p m}$$

$$\text{D C R Gratuity} = 500 \times 27 \times 9/20 = \text{Rs } 6 \text{ } 075$$

Q 11 Calculate the Death cum retirement Gratuity and pension admissible to an officer subject to the Liberalised Pension Rules from the following particulars.—

Date of birth — 1-1-1902

Date of first appointment in Government service against a leave vacancy — 1-4-1924

Date of confirmation in pensionable post — 1-7-1926

Confirmed in the time scale of 1,300 60 1,600 on 1-5-1952.

His pay on that date was Rs 1,360 p m and his next increment was due on 16-11-1952. Retired on attaining the age of superannuation. Took no leave other than leave on A P during his service (S A S November, 1957)

Ans. Average emoluments from 1-1-1954 to 31-12-1956

	Rs
1-1-1954 to 15-11-1954 @ Rs 1,480	15,540
16-11-1954 to 15-11-1955 @ Rs 1,540	18,480
16-11-1955 to 15-11-1956 @ Rs 1,600	19,200
16-11-1956 to 31-12-1956 @ Rs 1,600	2,400
	<hr/> 55,620

$$\frac{55,620}{36} = \text{Rs } 1,545$$

$$\text{D C R Gratuity} = 1,600 \times 9/20 \times 31 = \text{Rs } 22,320$$

His qualifying service is 31 years as below—

$$\begin{aligned} \frac{1}{2} \text{ of } (1-3-1924 \text{ to } 30-6-1926) &= \frac{1}{2} \times (2-4) = 1 \text{ year } 2 \text{ months} \\ 1-7-1926 \text{ to } 31-12-1956 &= 30 \text{ years } 6 \text{ months} \\ &\underline{\hspace{1.5cm}} \\ &31 \text{ years} \end{aligned}$$

$$\text{Pension} = \frac{1,545 \times 30}{80} = \text{Rs } 579 \text{ } 6$$

APPENDIX XXXIV

APPLICABILITY OF THE NEW PENSION SCHEME TO THE SECRETARY OF STATES OFFICERS

Government of India's orders

(1) The New Pension Scheme is not applicable to officers who having been appointed by the Secretary of State or Secretary of State in Council to a Civil Service of The Crown of India continue to serve under the Government of India or the Government of a State after the 14th August 1947

2 The President has now decided in supersession of the various orders on the subject that all officers, who have been appointed by the Secretary of State or the Secretary of State in Council to a civil service or a post in India continue to serve under the Government of India after the 14th August 1947 and have retired or will retire after the 17th April 1956 may be allowed to opt for the Liberalised Pension Rules as a whole, or to retain the existing pensionary terms applicable to them. The option should be exercised within 6 months from the date of issue of these orders and once exercised will be regarded as final. In case of failure to exercise the option within the stipulated period the officer concerned will continue to be governed by the existing pensionary terms applicable to them. The option shall be exercised in writing and shall be communicated by the officer concerned to the Accounts Officer. It will be the responsibility of an officer exercising the option to come over to the Liberalised Pension Rules to ensure that the receipt of option is acknowledged by the Accounts Officer and that he receives the intimation that it has been duly recorded.

3 As regards officers of the Indian Police who have since become members of an All India Service, action to make the orders contained in this office memorandum applicable to them will have to be taken after prior consultation with the State Governments and in accordance with the provisions of the All India Service Act 1951. Action in this behalf will be taken separately by the Ministry of Home Affairs. As regards officers of the ICS their existing pensionary terms continue to be more favourable than the terms admissible under the Liberalised Pension Rules. Hence the question of the grant of option to them does not arise.

[GIMF No F 20(14) EV/57 dated the 9th December 1957]

(2) The option allowed under the above order is available only to those officers (other than ICS officers) who are appointed to a Civil Service or a post in India by the Secretary of State in Council and continued after the 14th August 1947 as officers under the rule making control of the Governor General and sub

sequently the President. The officers belonging to the Indian Service of Engineers were not under the rule-making control of the Governor-General on the 14th April, 1947, and are, therefore, not eligible for exercising option under the above order

[G I Ministry of Irrigation and Power, No F 10-3 1958—Admn, dated the 17th February, 1958]

(3) Doubts have been expressed in certain quarters as to the class of officers coming within the scope of paras 2 and 3 of order No. (1) above. The intention in this respect is that the option in terms of the aforesaid office memorandum should be available only to those officers (other than members of the I C S, and I P S) who were appointed to a civil service or post in India by the Secretary of State for India in Council and continued in service after the 14th August, 1947, as officers under the rule-making control of the Governor-General and subsequently the President of India

[G I M F, No F 20(14) EV/57, dated the 3rd February, 1958]

(4) The Government of India have decided that the I P officers who have since become members of the I P S in accordance with clause (a) of the I P S (Recruitment) Rules, 1954, who retired on or after the 17th April, 1956, or may retire hereafter may be allowed to elect to be governed by the Liberalised Pension Rules applicable to officers of Central Services, Class 1. The option should be exercised by them by the 11th January, 1959. Those who elect to be governed by the Liberalised Pension Rules for the Central Services will later on be brought under the All India Services (Death-cum retirement benefits) Rules, when they are promulgated

[G I M H A No 2/41/57 AIS dated the 12th July, 1958]

(5) A question has been raised whether the provisions of Art 487A and 487B C.S.R. could apply to emoluments drawn by an I A S / I P S officer in posts outside the state cadre. The Government of India have carefully considered this question and have decided that in the cases of members of the I A S / I P S the provisions of Articles 487A and 487B C.S.R. shall apply to emoluments drawn during the last three years of service in a

- (i) cadre post,
- (ii) post equivalent to a cadre post which may be against the deputation reserve;
- (iii) post under Central Government on deputation,
- (iv) post under the Government of a State other than the State in whose cadre the officer is borne, on deputation.

In the cases covered by items (i) to (iv) it is not necessary that the officer should have received a proforma promotion in

the State Cadre to a post equivalent to the post held by him while on deputation outside the State Cadre

[GIMHA No 2/6/58 AIS, dated the 14th August 1958]

APPENDIX XXXIV

THE COMPULSORY DEPOSIT (INCOME TAX PAYERS) SCHEME, 1963

In exercise of the powers conferred by section 5 of the Compulsory Deposit Scheme Act, 1963 (21 of 1963), the Central Government hereby makes the following Scheme, namely:—

1 *Short title commencement and application*

(1) This Scheme may be called the Compulsory Deposit (Income tax payers) Scheme, 1963

(2) It shall come into force on the 1st July, 1963

(3) It applies to all persons liable to payment of tax under the Income tax Act, 1961, (43 of 1961)

2 *Definitions*

In this Scheme unless the context otherwise requires,

(a) "account" means a Compulsory Account under this Scheme

(b) "Act" means the Compulsory Deposit Scheme Act, 1963 (21 of 1963),

(c) "assessment year" means a period of twelve months commencing on the 1st day of April every year,

(d) "depositor" means a person by whom or on whose behalf money is deposited under this Scheme,

(e) "deposit office" means—

(i) a Head Post Office or a Departmental Sub Post Office transacting savings bank business

(ii) an office of the Reserve Bank of India and a branch or office of the State Bank of India and any subsidiary bank of the State Bank of India excluding such office or branch as may be notified by the Central Government, and

(iii) any other office authorised by the Central Government to accept deposits under this Scheme

(f) "officer in charge" includes an officer empowered under the rules of the deposit office to deal with the work relating to this Scheme

(g) "Form" means a form set out in the Schedule to this Scheme

3. Limits of deposit

(1) A depositor may deposit money under this Scheme up to the limits specified below —

Where his residual income is Rs 6,000/- or less 3 per cent of such residual income

Where his residual income exceeds Rs. 6,000/- 3 per cent. of the first Rs 6,000/- and 2 per cent of the balance thereof

Provided that where the total income of a depositor for the assessment year commencing on the first day of April, 1963 includes any income chargeable under the head 'Salaries', the deposit shall be limited to the amount bearing to the maximum amount of the deposit specified in this sub paragraph in the same proportion as the total income as reduced by the amount chargeable under the head,—

(a) 'Salaries', and

(b) 'Capital gains', if any,

bears to the total income as reduced by the amount referred to in clause (b)

*Explanation **

In this sub paragraph, the expressions 'Capital gains', and 'total income' have the meanings respectively assigned to them in section 45, and clause (45) of section 2 of the Income tax Act, 1961

(2) Where the amount of any deposit to be made under this Scheme contains a part of a rupee then, if such part is fifty naye paise or more, it shall be increased to one complete rupee and if such part is less than fifty naye paise, it shall be ignored

4 Manner of deposit

(1) A person by whom additional surcharge is payable in respect of any assessment year may make a deposit under this Scheme in respect of that year on or before the close of the year immediately preceding that assessment year and if he does so, then, he shall be entitled to deduction from the additional surcharge of a sum equal to the sum so deposited or the maximum amount of deposit specified in sub paragraph (1) of paragraph 3, whichever is less—

Provided that in respect of the assessment year commencing on the 1st day of April, 1963, the depositor may make the deposit any time within 30 days of the service of the notice of demand

referred to in section 156 of the Income tax Act, 1961 for that year or by the 31st day of March 1964, whichever is earlier

Provided further that where an assessment in respect of the assessment year commencing on the 1st day of April 1963 has been completed before this Scheme comes into force, the depositor may make the deposit for that year within three months from the date of commencement of this Scheme and if he does so he shall be entitled to a deduction from the additional surcharge and to a refund of the excess amount if any, of the additional surcharge already paid by him

(2) Any person who is in receipt of any income under the head Salaries during the financial year may make a deposit in that year and if he does so then he shall be entitled to deduction from the additional surcharge of a sum equal to the sum so deposited or the maximum amount of deposit as specified in sub paragraph (1) of paragraph 3 whichever is less

(3) Any person who is liable to pay advance tax under the Income tax Act 1961 in any financial year may make a deposit in the year and if he does so then he shall be entitled to a deduction from the additional surcharge of a sum equal to the sum so deposited or the maximum amount specified in sub paragraph (1) of paragraph 3 whichever is less

(4) Every person desiring to make a deposit under this Scheme for the first time shall apply to the deposit office in Form A or as near thereto as may be, together with the amount of deposit

(5) On receipt of an application under sub paragraph (4) the deposit office shall open an account in the name of the depositor and issue a pass book to the depositor wherein all amounts deposited by him shall be entered over the signature of the officer in charge with the date stamp

(6) Every deposit shall be made in cash or by crossed cheque drawn in favour of the deposit office on a bank at the place where the deposit office is situated into the office at which the account stands

Provided that where the deposit is made into a post office such deposit may be made by cheques only at place where clearing house facilities are available

(7) Every deposit shall be evidenced by receipt issued in Form B or as near thereto as may be by deposit office

5 Procedure for claiming deduction from additional surcharge

(1) The receipts or the certificate issued by the deposit office shall be forwarded along with the return of income filed before

the Income-tax Officer in proof of having made the deposit. The Income-tax Officer may, for the purposes of verification, require the depositor to produce the pass book issued to him.

(2) Any person who is in receipt of any income under the head 'Salaries' during any financial year may forward a statement to the person responsible for paying that income declaring the amount he has already deposited under this Scheme and the amount, if any, which he would further deposit before the close of that year. The person responsible for paying the salaries may, for the purposes of verification, require the depositor to produce the pass book issued to him

(3) Any person who is liable to pay advance tax under the Income tax Act, 1961 in any financial year may, on or before the 31st of March of that year, forward a statement to the Income-tax Officer concerned declaring the amount which he has already deposited under this scheme. The Income-tax Officer may, for the purposes of verification, require the depositor to produce the receipts, and if any such receipts is lost, a certificate, or the pass book issued to him

6 *Deposits on behalf of minors*

Any person may apply to a deposit office for opening an account on behalf of a minor.

7 *Number of deposits*

The amount to be deposited in any year may be deposited either in one lump sum or in two or more instalments in that year

Provided that not more than one deposit shall be made in any month

8 *Transfer of account*

A depositor may apply for transfer of his account from one post office to another, from one office of the Reserve Bank of India to another or from any branch or office of the State Bank of India or its subsidiary bank to any of its other branches or offices

9 *Issue of duplicate Pass Books, etc*

(1) In the event of loss or destruction of a pass book issued by the deposit office, the office may, on application made to it in this behalf and on payment of Rs 1/- issue a duplicate thereof

(2) A deposit office may on application made to it in this behalf and on payment of a fee of Re 1/ grant the applicant a certificate in respect of a deposit or deposits made by the applicant under this Scheme during the year

10 *Interest*

The deposit made under this Scheme shall bear simple interest at the rate of four per cent per annum to be calculated from the

first day of the month immediately following the month in which the deposit is made to the last day of the month immediately preceding the month in which it is repaid (both days inclusive) and the amount of such interest shall be free of any tax under the Income tax Act, 1961

11 Repayment

(1) The amount deposited in excess of the limits specified in sub paragraph (1) of paragraph 3 shall be repayable without interest after the close of the year to which the deposit relates on production by the depositor of a certificate from the Income tax Officer indicating the maximum amount of deposit payable by him under this Scheme for that year

(2) Subject to the provisions contained in sub paragraph (3) any deposit made under this Scheme during any year shall be repayable with interest thereon at the office at which the account stands after the expiry of five years from the end of the year in which the deposit was made

(3) The depositor or in the event of his death, his nominee or heir may apply to the deposit office for earlier repayment of the amount standing to the credit of the depositor. The officer in charge of the deposit office shall after verifying the account of the depositor forward the application to the authority empowered by the Central Government in this behalf. On receipt of the application the authority shall by order in writing authorise the deposit office to repay the deposit together with interest thereon if the authority is satisfied that genuine hardship would be caused unless such earlier repayment is made

(4) The repayment of a deposit shall be made only on the production of the pass book accompanied by an application in Form C or as near thereto as may be

12 Repayment where the account is held on behalf of a minor

(1) Subject to the provisions contained in sub paragraph (2) of paragraph 11 repayment of the deposit together with interest thereon standing to the credit of a minor may be made during the period of his minority to his parent or guardian for the use of the minor

(2) Subject to the provisions contained in sub paragraph (1) of paragraph 11, any amount deposited in excess of the limits specified in sub paragraph (1) of paragraph 3 in the account of a minor may during his minority be refunded to the person who opened the account on behalf of the minor or if that person is dead to the parent or guardian of the minor

(3) An account opened on behalf of a minor shall be operated upon by him on his attaining majority under the Indian Majority

Act 1875 (9 of 1875) and on his being identified to the satisfaction of the officer in charge of the deposit office

13 *Nomination*

(1) A depositor who is an individual may nominate in Form D, or as near thereto as may be, one or more persons, who shall be entitled to receive the deposit to his credit with interest thereon, in the event of his death before the amount has become payable or, having become payable has not been paid

(2) Where the deposit, together with the interest thereon, is payable to two or more nominees and either or any of them is dead, the amount shall be paid, to the surviving nominee or nominees

(3) No nomination shall be made in respect of an account opened and held on behalf of a minor

(4) A nomination made by a depositor may be cancelled or varied by a fresh nomination in Form E, or as near thereto as may be, by giving notice in writing to the deposit office in which the account stands

(5) Every nomination and every cancellation or variation thereof shall be registered in the deposit office and shall be effective from the date of such registration, the particulars of which shall be entered in the pass book

(6) If the nominee is a minor, the depositor may appoint any person to receive the amount due under the account, in the event of his death during the minority of the nominee

14 *Protection against attachment*

The amount standing to the credit of any depositor shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the depositor

SCHEDULE

FORM A

(See paragraph 4(4))

APPLICATION FOR OPENING A COMPULSORY DEPOSIT ACCOUNT
UNDER THE COMPULSORY DEPOSIT (INCOME TAX PAYERS) SCHEME,
1963

To

The

I/We hereby apply for opening an account under the Compulsory Deposit
(Income tax payers) Scheme 1963 in the name(s) of
son/daughter/wife of _____ and tender herewith Rs
(Rupees _____ only) in cash/cheque as the initial amount
of deposit

* If the account is to be opened
on behalf of a minor

Date of birth of the minor

Applicant's relationship with the minor if any

Specimen signature of the Depositor/
guardian/other person

Signature of the Depositor/
guardian/other person

The account has been opened on
under Compulsory Deposit Account No
issued

with Rs
Pass Book has been

Signature of the Officer in charge

Date Stamp

* Strike out if not applicable

FORM B

(See paragraph 4(7))

RECEIPT FOR THE DEPOSIT UNDER THE COMPULSORY DEPOSIT
(INCOME TAX PAYERS) SCHEME, 1963

Name of the deposit office

Receipt No

Received Rs
from
Compulsory Deposit Account No

(Rupees _____ only)
for credit into Compul

Date Stamp

Signature of the Officer in charge

FORM C

(See paragraph 11(4))

APPLICATION FOR REPAYMENT OF THE DEPOSITS UNDER THE
COMPULSORY DEPOSIT (INCOME-TAX PAYERS) SCHEME, 1963

To _____ Date _____

Place _____

I wish to withdraw the amount deposited by me during the year 19 _____
 in my Compulsory Deposit Account No _____ together with interest
 thereon. The Pass Book is enclosed

Signature of
the depositor

(To be filled in by the deposit office)

Amount Deposited in Account No _____
in the year 19 _____ Rs _____

Interest up to _____ Rs _____

Total _____ Rs _____

Passed for payment of Rs. _____ (Rupees. _____)

Signature of the Officer in charge

Received payment as above

Signature of the Depositor

Note—If the depositor desires to collect the amount through his banker or
 messenger he shall send a separate letter of authority in favour of his
 banker/messenger along with the pass book and the application form
 duly completed

FORM D

(See paragraph 13(1))

NOMINATION UNDER THE COMPULSORY DEPOSIT (INCOME TAX
PAYERS) SCHEME 1963To _____
The _____

I hereby nominate the person/persons mentioned below to whom in the
 event of my death the amount standing to my credit in Compulsory Deposit
 Account No _____ at the time of my death would be payable

Serial No	Name of the nominee	Full address	Date of birth of nominee in case of minor
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As the nominee/nominees against Serial No./Serial Nos specified above is/are minor/minors I appoint _____ as the person to receive the amount due under the said account in the event of my death during the minority of the nominee/nominees (name and full address)

Signature of Depositor

Witness

The nomination has been registered on and an entry made in the Pass Book

Signature of the Officer in charge

Date Stamp

FORM E

APPLICATION FOR CANCELLATION OR VARIATION OF NOMINATION PREVIOUSLY MADE IN RESPECT OF THE COMPULSORY DEPOSIT ACCOUNT NO _____ UNDER THE COMPULSORY DEPOSIT (INCOME TAX PAYERS) SCHEME 1963

I _____ the depositor of Compulsory Deposit Account No _____ hereby cancel the nomination made by me in respect of the Compulsory Deposit Account No _____

* In the place of the cancelled nomination I hereby nominate the person(s) mentioned below who shall on my death become entitled to the payment of the sum due on the above Account to the exclusion of all other persons

Serial No	Name of the nominee	Full address	Date of birth of nominee in case of minor
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* To be filled in case of replacement only

As the nominee(s) against Serial No./Serial Nos specified above is/are minor/minors I appoint _____ as the person to (Name and full address)

As the nominee/nominees against Serial No./Serial Nos specified above minority of the nominee/nominees

Signature of Depositor

Witness

The nomination has been registered on and an entry made in the Pass Book

Signature of the officer in charge

Date Stamp